HOUSE JOURNAL

PROCEEDINGS

OF THE

House of Representatives

OF

The Legislature

OF THE

STATE OF KANSAS

REGULAR 2011 SESSION

JANUARY 10, 2011 THROUGH ADJOURNMENT JUNE 1, 2011

SUSAN W. KANNARR, Chief Clerk of the House

DIVISION OF PRINTING DEPARTMENT OF ADMINISTRATION TOPEKA, KANSAS 2011

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$\label{eq:Governor} Governor \\ SAM BROWNBACK, Topeka$

Lieutenant Governor JEFF COLYER, Overland Park

OFFICERS OF THE HOUSE

Session of 2011

Michael "Mike" O'Neal Speaker
Jene Vickrey Speaker Pro Tem
Arlen Siegfreid Majority Leader
Paul Davis Minority Leader
Susan Kannarr Chief Clerk
Wayne Owen Sergeant-at-Arms

HOUSE OF REPRESENTATIVES—2011 MEMBERS LISTED ALPHABETICALLY

Name and City	Party	Dist.	Occupation
Alford, Steve, Ulysses	Rep.	124	Farmer
Arpke, Tom, Salina		69	Arpke Inc. Travel Agency
Aurand, Clay, Belleville		109	Farmer / Stockman
Ballard, Barbara, Lawrence		44	University Administrator
Bethell, Bob, Alden		113	Pastor / Consultant
Billinger, Rick, Goodland		121	
Bollier, Barbara, Mission Hills		25	Retired Physician
Boman, Benny, Wichita		95	Retired
Bowers, Elaine, Concordia		107	Business Owner
Brookens, Bob, Marion		70	Attorney
Brown, Anthony, Eudora		38	Carpenter/General Contractor
Bruchman, Rob, Overland Park		20	Attorney
Brunk, Steve, Wichita		85	Real Estate and Business
214111, 500 (6) (1.5114111111111111111111111111111111111	rtop.	00	Broker
Burgess, Mike, Topeka	Rep.	51	Web Developer
Burroughs, Tom, Kansas City		33	Ret. Colgate-Palmolive
Calloway, Terry, Pittsburg		3	Computer Engineer
Carlin, Sydney, Manhattan		66	Property Owner/Manager
Carlson, Richard, St. Marys		61	Businessman
Cassidy, Ward, St. Francis		120	Educator
Collins, Dan, Plainville		110	Farmer/Rancher
Colloton, Pat, Leawood		28	Attorney
Crum, Dave, Augusta	1	77	Optometrist
Davis, Paul, Lawrence		46	Attorney
DeGraaf, Pete, Mulvane		81	Director, Financial
, ,			Counseling Service
Denning, Jim, Overland Park	Rep.	19	Health Care Administrator
Dillmore, Nile, Wichita		92	Land Home Specialist
Donohoe, Owen, Shawnee		39	Medical Sales
Fawcett, James, Junction City		65	Executive/Insurance and Retail
Feuerborn, Bill, Garnett	Dem.	5	Self-Employed
Finney, Gail, Wichita	Dem.	84	Small Business Owner
Flaharty, Geraldine, Wichita	Dem.	98	Retired Teacher
Frownfelter, Stan, Kansas City	Dem.	31	Small Business Owner
Garber, Randy, Sabetha		62	HVAC Specialist/Pastor
Gatewood, Doug, Columbus	Dem.	1	Sales/Service
Gatewood, Sean, Topeka	Dem.	57	Investor
Goico, Mario, Wichita	Rep.	100	Business Owner
Gonzalez, Ramon, Perry	Rep.	47	Retired
Goodman, Jana, Leavenworth	Rep.	41	Computer Specialist, Math
			Instructor
Gordon, Lana, Topeka	Rep.	52	Customer Service Rep.
Grange, John, El Dorado	Rep.	75	Mechanical Contractor
Grant, Bob, Cherokee		2	Business Owner
Gregory, TerriLois, Baldwin City		10	
Grosserode, Amanda, Lenexa		16	Homemaker
Hayzlett, Gary, Lakin	Rep.	122	Businessman

Name and City	Party	Dist.	Occupation
		99	•
Hedke, Dennis, Wichita Henderson, Broderick, Kansas City		35	Geophysicist
nenderson, broderick, Kansas City	Dem.	33	Parking Control Dept./ Supervisor
Henry, Jerry, Cummings	Dem.	63	Exec. Dir., Achievement Services
Hermanson, Phil, Wichita	Rep.	96	Real Estate
Hildabrand, Brett, Merriam	Rep.	23	Freight Broker
Hill, Don, Emporia	Rep.	60	Pharmacist
Hineman, Don, Dighton		118	Farmer / Rancher
Hoffman, Kyle, Coldwater	Rep.	116	Farmer/Rancher, Small Business
Holmes, Carl, Liberal	Rep.	125	Land Owner / Manager
Holmes, Mitch, St. John	Rep.	114	Computer Programmer/ Website Developer
Howell, Jim, Derby	Rep.	82	Experimental Test Instrumentation
Huebert, Steve, Valley Center	Rep.	90	
Johnson, Steven, Assaria		108	Financial Services/Farmer
Kelley, Kasha, Arkansas City	1	79	CEO, Marketing/Retention Firm
Kelly, Jim, Independence	Rep.	12	Banker
Kerschen, Dan, Garden Plain	Rep.	93	Farmer
Kiegerl, Mike, Olathe	Rep.	43	Retired Businessman, Adjunct Professor
Kinzer, Lance, Olathe	Rep.	14	Attorney
Kleeb, Marvin, Overland Park	Rep.	48	Business Owner
Knox, Forrest, Altoona	Rep.	13	Farmer/Rancher
Kuether, Annie, Topeka	Dem.	55	
Landwehr, Brenda, Wichita		91	Business Owner
Lane, Harold, Topeka		58	Retired
*LeDoux, Trent, Holton		50	Rancher
Loganbill, Judith, Wichita		86	Reading Specialist
Mah, Ann, Topeka		53	Retired
Mast, Peggy, Emporia		76	Retired
McCray-Miller, Melody, Wichita		89	Business Owner/Consultant
McLeland, Joe, Wichita		94	Retired
Meier, Melanie, Leavenworth		40	Defense Contractor
Meigs, Kelly, Lenexa		17	Educator
Mesa, Reynaldo, Garden City	•	123	GovtPublic Affairs, Cox Communications
Montgomery, Robert, Olathe		26	Real Estate Services
Mosier, Susan, Manhattan		67	Eye Physician and Surgeon
Moxley, Tom, Council Grove	Rep.	68	Rancher
O'Brien, Connie, Tonganoxie	Rep.	42	Retired
O'Hara, Charlotte, Overland Park		27	Real Estate Investor
O'Neal, Mike, Hutchinson		104	Attorney
Osterman, Leslie, Wichita		97	Retired Tanahar
Otto, Bill, LeRoy		9 54	Retired Teacher
Patton, Joe, Topeka		102	Attorney
Pauls, Janice, Hutchinson		102	Attorney Insurance Agent
Peck, Virgil, Tyro Peterson, Mike, Kansas City	1	37	Insurance Agent Attorney
Phelps, Eber, Hays		111	Sales / Marketing
i ncips, Euci, mays	DCIII.	111	Saics / Warketing

Name and City	Party	Dist.	Occupation
2	-		*
Pottorff, Joann, Wichita		83	Real Estate Sales Associate
Powell, Larry, Garden City		117	Property Manager
Prescott, Willie, Osage City		59	Farmer
Proehl, Richard, Parsons		7	Banker
Rhoades, Marc, Newton		72	Business Owner
Roth, Charles, Salina	1	71	Retired
Rubin, John, Shawnee		18	Attorney
Ruiz, Louis, Kansas City		32	Retired
Ryckman, Ronald, Meade		115	Retired
Scapa, Joseph, Wichita		87	Realator
Schroeder, Don, Hesston		74	Farmer
Schwab, Scott, Olathe		49	Home Health Equip./ Svcs.
Schwartz, Sharon, Washington		106	Business Manager
Seiwert, Joe, Pretty Prairie		101	Self-employed Agribusiness
Shultz, Clark, Lindsborg		73	Title Insurance Agent
Siegfreid, Arlen, Olathe		15	Retired
Slattery, Mike, Mission		24	Project Engineer
Sloan, Tom, Lawrence		45	Strategic Planner
Smith, Greg, Overland Park	Rep.	22	Public School Teacher
Spalding, Sheryl, Overland Park	Rep.	29	Education Research, Ret.
Suellentrop, Gene, Wichita	Rep.	105	Business Owner
Swanson, Vern, Clay Center	Rep.	64	Retired Sales
Tietze, Annie, Topeka	Dem.	56	Teacher
Trimmer, Ed, Winfield	Dem.	78	Retired Educator
Tyson, Caryn, Parker	Rep.	4	Software Engineer/ Systems Analyst
Vickrey, Jene, Louisburgi	Rep.	6	Floor Covering
Victors, Ponka-We, Wichita		103	Community Support Worker
Ward, Jim, Wichita	Dem.	88	Attorney
Weber, Brian, Dodge City	Rep.	119	Small Business Co-owner
Wetta, Vince, Wellington	Dem.	80	Ret. Railroad Engineer
Williams, Jerry, Chanute	Dem.	8	Retired
Winn, Valdenia, Kansas City	Dem.	34	College Professor
Wolf, Kay, Prairie Village		21	Business Owner
Wolf, Bill, Great Bend		112	Sales
Wolfe Moore, Kathy, Kansas City		36	Business Director
Worley, Ron, Lenexa		30	Retired, Lenexa Planning
**	•		Dept.

^{*} Dennis Hedke sworn in on January 24, 2011 to replace Aaron Jack, resigned

* Trent LeDoux sworn in on May 24, 2011 to replace Rocky Fund, deceased

* Robert Montgomery sworn in on January 18, 2011 to replace Rob Olson, elected to Senate

STANDING COMMITTEES OF THE HOUSE

LEGISLATIVE SESSION, 2011*

Aging and Long Term Care: Bethell, Chairperson; Worley, Vice-chairperson; Gonzalez, Hill, Kelly, Otto, Schwab, Vickrey, Weber, K. Wolf.

Flaharty, Ranking Minority Member; Henderson, Wolfe Moore.

Agriculture and Natural Resources: Powell, Chairperson; Kerschen, Vice-chairperson; Arpke, Bowers, Brookens, Collins, Fund, Hayzlett, Hildabrand, Hoffman, Moxley, O'Hara, Prescott, Tyson.

Williams, Ranking Minority Member; Grant, Peterson, Victors, Wetta.

Appropriations: Rhoades, Chairperson; Kelley, Vice-chairperson; Brown, Carlson, Crum, DeGraaf, Denning, Donohoe, Gordon, Kleeb, Mast, McLeland, Peck, Pottorff, Schwartz, Shultz, Suellentrop.

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

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

Children and Families: Kiegerl, Chairperson; B. Wolf, Vice-chairperson; Brunk, Gregory, Meigs, Roth, Rubin.

S. Gatewood, Ranking Minority Member; McCray-Miller.

Commerce and Economic Development: Brown, Chairperson; Suellentrop, Vicechairperson; Billinger, Bruchman, Garber, Hedke, Kerschen, Kleeb, Mesa, Osterman, Peck, Scapa, Schwab, Tyson.

Slattery, Ranking Minority Member; Finney, Frownfelter, Ruiz, Tietze.

Corrections and Juvenile Justice: Colloton, Chairperson; Kinzer, Vice-chairperson; Brookens, Cassidy, Goodman, Kelly, K. Wolf, Moxley, Roth, Smith.

McCray-Miller, Ranking Minority Member; Meier, Pauls.

Education: Aurand, Chairperson; Huebert, Vice-chairperson; Billinger, Bollier, Calloway, Cassidy, Colloton, Goodman, Grosserode, Howell, Osterman, Ryckman, Scapa, Spalding. Ward, Ranking Minority Member; Loganbill, Phelps, Trimmer, Winn.

Elections: Schwab, Chairperson; Goico, Vice-chairperson; Garber, Gonzalez, Gregory, Meigs, Montgomery, O'Brien, Otto, Rubin,

Mah, Ranking Minority Member; McCray-Miller, Tietze.

Energy and Utilities: C. Holmes, Chairperson; Knox, Vice-chairperson; Alford, Bruchman, Burgess, Hermanson, Hineman, Mesa, Proehl, Schroeder, Seiwert, Sloan, Smith, Swanson. Kuether, Ranking Minority Member; Dillmore, Finney, Frownfelter, Slattery.

Federal and State Affairs: Brunk, Chairperson; Patton, Vice-chairperson; Boman, Bowers, Carlson, Fund, Goico, Gregory, Grosserode, M.Holmes, Huebert, Kiegerl, Knox, O'Brien, O'Hara, Rubin, Seiwert.

Loganbill, Ranking Minority Member; S. Gatewood, Henderson, Peterson, Victors, Wolfe Moore.

Financial Institutions: Knox, Chairperson; Proehl, Vice-chairperson; Fawcett, Gregory, Hermanson, Montgomery, Mosier, O'Hara, Scapa, Shultz.

Grant, Ranking Minority Member; Burroughs, Henderson.

Government Efficiency: Burgess, Chairperson; Fund, Vice-chairperson; DeGraaf, Grange, Hoffman, Howell, Johnson, Meigs, Roth, K. Wolf.

Trimmer, Ranking Minority Member; Loganbill, Ruiz.

Health and Human Services: Landwehr, Chairperson; Donohoe, Vice-chairperson; Alford, Bethell, Bollier, Calloway, Crum, Denning, Hermanson, Mast, Meigs, Mosier, Otto, Weber. Flaharty, Ranking Minority Member; Mah, Trimmer, Ward, Winn.

Insurance: Shultz, Chairperson; Hermanson, Vice-chairperson; Billinger, Brown, Fawcett, Gregory, Montgomery, Mosier, O'Hara, Proehl.

Grant, Ranking Minority Member; Burroughs, Davis.

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

Phelps, Ranking Minority Member; Tietze.

Judiciary: Kinzer, Chairperson; Patton, Vice-chairperson; Alford, Boman, Brookens, Bruchman, Collins, Colloton, M. Holmes, Osterman, Rubin, Smith, Suellentrop, Kelly, Ryckman. Pauls, Ranking Minority Member; Kuether, Meier, Tietze, Victors, Ward.

Local Government: Huebert, Chairperson; Seiwert, Vice-chairperson; Billinger, Garber, Grosserode, Hildabrand, Hineman, Otto, Sloan, Worley.

Mah, Ranking Minority Member; Carlin, Lane.

Pensions and Benefits: M. Holmes, Chairperson; Grange, Vice-chairperson; Hill, Johnson, Kelly, Roth, Worley.

Ruiz, Ranking Minority Member; Flaharty.

Redistricting: O'Neal, Chairperson; Aurand, Vice-chairperson; Brown, Brunk, Carlson, Kinzer, Knox, Landwehr, Mast, Patton, Powell, Schroeder, Schwab, Schwartz, Suellentrop, Tyson, Weber. Davis, Ranking Minority Member; Grant, Kuether, Pauls, Peterson, Ward.

Rules and Journal: Shultz, Chairperson; Bruchman, Kinzer, Patton, Rubin. Pauls, Vice-chairperson; Trimmer.

Taxation: Carlson, Chairperson; Kleeb, Vice-chairperson; Brunk, Calloway, Denning, Donohoe, Goico, Hayzlett, Hedke, Kelley, Powell, Prescott, Schroeder, Schwab, Schwartz, Tyson, Weber

Dillmore, Ranking Minority Member; Frownfelter, S. Gatewood, McCray-Miller, Phelps, Wolfe Moore.

Transportation: Hayzlett, Chairperson; Prescott, Vice-chairperson; Arpke, Fawcett, Grange, Hildabrand, Hill, Montgomery, Pottorff, Proehl, Spalding, Swanson, B. Wolf, Worley.

Wetta, Ranking Minority Member; Grant, Henry, Phelps, Williams.

Veterans, Military and Homeland Security: Goico, Chairperson; O'Brien, Vice-chairperson; Boman, Fawcett, Garber, Grange, Hedke, M. Holmes, Johnson, Montgomery.

Meier, Ranking Minority Member; Mah, Tietze.

Vision 2020: Sloan, Chairperson; Swanson, Vice-chairperson; Bollier, Garber, Hildabrand, Hill, Hineman, Otto, Scapa, Worley.

Finney, Ranking Minority Member; Henderson, Peterson.

Budget Committees

Agriculture and Natural Resources Budget: Schwartz, Chairperson; Schroeder, Vice-chairperson; Collins, C. Holmes, Johnson, Powell, Sloan.

Carlin, Ranking Minority Member; Lane.

Education Budget: Gordon, Chairperson; Aurand, Vice-chairperson; Arpke, Cassidy, Landwehr, O'Brien, Spalding.

Winn, Ranking Minority Member; Feuerborn.

General Government Budget: McLeland, Chairperson; DeGraaf, Vice-chairperson; Gonzalez, Hineman, Hoffman, Howell, Ryckman.

Burroughs, Ranking Minority Member; Dillmore.

Legislative Budget: Rhoades, Chairperson; Kelley, Vice-chairperson; Mast, O'Neal, Siegfreid, Vickrey.

Davis, Ranking Minority Member; Burroughs.

Social Services Budget: Crum, Chairperson; Bowers, Vice-chairperson; Goodman, Kiegerl, Mast. McLeland. B. Wolf.

Henry, Ranking Minority Member; Ballard.

Transportation and Public Safety Budget: Peck, Chairperson; Pottorff, Vice-chairperson; Bethell, Gonzalez, Kerschen, Mesa, Moxley.

Gatewood, Ranking Minority Member; Wetta.

JOINT COMMITTEES

Joint Committee on Administrative Rules & Regulations: C. Holmes, Chair, Huebert, Patton, Tyson; Pauls, Trimmer, Winn.

Senate Members: V. Schmidt, Vice Chair; Faust-Goudeau, Ostmeyer, Owens, A. Schmidt

Joint Committee on Arts & Cultural Resources: Gordon, Chair; Rubin, Spalding, Swanson; Carlin

Senate Members: Schodorf, Vice Chair; Faust-Goudeau, Francisco, Lynn, Umbarger.

Joint Committee on Children's Issues: Kiegerl, Chair, DeGraaf, Gregory; S.Gatewood, McCray-Miller.

Senate Members: Lynn, Vice Chair; Faust-Goudeau, Haley, Pyle, Reitz

Joint Committee on Corrections & Juvenile Justice Oversight: Colloton, Chair, Denning, Goodman, Peck; Henry, D.Gatewood, Ward.

Senate Members: Brungardt, Vice Chair; Bruce, Haley, Kelsey, Kultala, Longbine, Owens

Joint Committee on Economic Development: Brown, Chair, Garber, Kerschen, Schwab, Suellentrop; Slattery, Tietze., Winn.

Senate Members: Wagle, Vice Chair; Faust-Goudeau, Kelly, Lynn, Marshall.

Joint Committee on Energy & Environmental Policy: C. Holmes, Chair, M. Holmes, Knox, Sloan; Wetta, Kuether.

Senate Members: McGinn, Vice Chair; Lee, Ostmeyer, Petersen, Taddiken.

Joint Committee on Health Policy Oversight: Landwehr, Vice Chair, Hill, Mast, Mosier, Ward,

Ruiz.

Senate Members: V. Schmidt, Chair; Brungardt, Haley, Kelly, Reitz, Teichman.

Joint Committee on HCBS Oversight: Bethell, Vice Chair, Crum, Landwehr; Henry, Ballard.

Senate Members: McGinn, Chair; Kelly, Kultala, Umbarger.

Joint Committee on Information Technology: McLeland, Chair, Burgess, Calloway; Dillmore,

Lane

Senate Members: Petersen, Vice Chair; Francisco, Holland, Love, V. Schmidt.

Joint Committee on Kansas Security: Goico, Chair; Mast, O'Brien; Loganbill, Frownfelter.

Senate Members: Emler, Vice Chair; Hensley, McGinn, Owens, A. Schmidt.

Legislative Post Audit: Grange, Chair; Mast, Peck; Burroughs, Mah.

Senate Members: Pilcher-Cook, Vice Chair; Bruce, Hensley, Kelly, Umbarger.

Joint Committee on Parole Board Oversight: Colloton; Vice-Chair; O'Neal, McCray-Miller

Senate Members: Owens, Chair; Haley, Vratil

Joint Committee on Pensions, Investments & Benefits: Schwartz, Chair, Carlson, M. Holmes,

Johnson, Proehl; Flaharty, Ruiz, Williams.

Senate Members: Morris, Vice Chair; Emler, Hensley, Kelly, Teichman.

Joint Committee on Special Claims Against the State: Patton, Chair, Bruchman, Fund,

M.Holmes, Huebert, Smith; Feuerborn, Grant

Senate Members: Owens, Vice Chair; Bruce, Kultala, Masterson, Pyle.

Joint Committee on State Building Construction: Pottorff, Chair; Brunk, K. Wolf; Feuerborn,

Grant

Senate Members: Umbarger, Vice Chair; Apple, Emler, Francisco, Kelly.

Joint Committee on State-Tribal Relations: Knox, Vice Chair, Hermanson, Kinzer; Burroughs,

Victors

Senate Members: Brungardt, Chair; Haley, Kultala, Pyle, Vratil.

^{*} Trent LeDoux sworn in on May 24, 2011 to replace Rocky Fund, deceased. Resulting committee appointment changes made after adjournment of 2011 Session.

LIST OF HOUSE MEMBERS SHOWING COMMITTEE ASSIGNMENTS, OFFICE NUMBER, TELEPHONE NUMBER, DISTRICT, PARTY AND YEARS OF SERVICE*

Alford, Steve First Session: 2011 Energy and Utilities Health and Human Services Judiciary	DSOB District: 124 Member Member Member	785-296-7696 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	785 DSOB 784 DSOB 346-S
Arpke, Tom First Session: 2011 Agriculture and Natural Resources Transportation Education Budget	DSOB District: 69 Member Member Member	785-296-7643 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 783 DSOB 159-S
Aurand, Clay First Session: 1995 Education Education Budget	174-W District: 109 Chair Vice Chair	785-296-7672 Republican 9:00 a.m. 3:30 p.m.	784 DSOB 159-S
Ballard, Barbara First Session: 1993 Appropriations Social Services Budget Calendar and Printing Jt. Comm. on Home and Community Based Services	451-S District: 44 Member Member Member Member	785-296-7697 Democrat 9:00 a.m. 3:30 p.m. On Call On Call	351-S 711 DSOB On Call On Call
Bethell, Bob First Session: 1999 Aging and Long Term Care Health and Human Services Transportation and Public Safety Budget Jt. Comm. on Home and Community Based Services	55-S District: 113 Chair Member Member Vice Chair	785-296-7616 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	144-S 784 DSOB 783 DSOB On Call
Billinger, Rick First Session: 2011 Education Commerce and Economic Development Insurance Local Government	DSOB District: 121 Member Member Member Member	785-296-7659 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W 3:30 p.m. T/Th	784 DSOB 785 DSOB 152-S 144-S
Bollier, Barbara First Session: 2010	168-W District: 25	785-296-7686 Republican	

Education Health and Human Services Vision 2020	Member Member Member	9:00 a.m. 1:30 p.m. 3:30 p.m. M/W	784 DSOB 784 DSOB 144-S
Boman, Benny First Session: 2011 Veterans, Military and Homeland Security Federal and State Affairs Judiciary	DSOB District: 95 Member Member Member	785-296-7690 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	546-S 346-S 346-S
Bowers, Elaine First Session: 2007 Agriculture and Natural Resources Federal and State Affairs Social Services Budget	54-S District: 107 Member Member Vice Chair	785-296-7642 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 346-S 711 DSOB
Brookens, Bob First Session: 2009 Agriculture and Natural Resources Corrections and Juvenile Justice Judiciary	54-S District: 70 Member Member Member	785-296-7636 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 144-S 346-S
Brown, Anthony First Session: 2005 Appropriations Commerce and Economic Development Insurance Jt. Comm. on Economic Development	151-S District: 38 Member Chair Member Chair	785-296-7679 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W On Call	351-S 785 DSOB 152-S On Call
Bruchman, Rob First Session: 2011 Energy and Utilities Commerce and Economic Development Judiciary Rules and Journal Jt. Comm. on Special Claims Against the State	DSOB District: 20 Member Member Member Member Member Member	785-296-7644 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	785 DSOB 785 DSOB 346-S On Call On Call
Brunk, Steve First Session: 2003 Children and Families Federal and State Affairs Taxation Jt. Comm. on State Building Construction	149-S District: 85 Member Chair Member Member	785-296-7645 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	142-S 346-S 783 DSOB On Call
Burgess, Mike First Session: 2003 Energy and Utilities Government Efficiency Jt. Comm. on Information Technology	151-S District: 51 Member Chair Member	785-296-7653 Republican 9:00 a.m. 3:30 p.m. On Call	785 DSOB 546-S On Call

Burroughs, Tom First Session: 1997 General Government Budget Financial Institutions Insurance Legislative Budget Jt. Comm. on Legislative Post Audit Jt. Comm. on State -Tribal Relations	359-W District: 33 R.M. Member Member Member Member Member	785-296-7885 Democrat 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call On Call	159-S 152-S 152-S On Call On Call
Calloway, Terry First Session: 2011 Education Health and Human Services Taxation Jt. Comm. on Information Technology	DSOB District: 3 Member Member Member Member	785-296-7677 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 784 DSOB 783 DSOB On Call
Carlin, Sydney First Session: 2003 Appropriations Local Government Jt. Comm. on Arts and Cultural Resources Agriculture and Natural Resources Budget	451-S District: 66 Member Member Member R.M.	785-296-7657 Democrat 9:00 a.m. 3:30 p.m. On Call 1:30 p.m.	351-S 144-S On Call 142-S
Carlson, Richard First Session: 2005 Appropriations Federal and State Affairs Taxation Jt. Comm. on Pensions, Investments, and Benefits	274-W District: 61 Member Member Chair Member	785-296-7660 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 346-S 783 DSOB On Call
Cassidy, Ward First Session: 2011 Education Corrections and Juvenile Justice Education Budget	DSOB District: 120 Member Member Member	785-296-7696 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	784 DSOB 144-S 159-S
Collins, Dan First Session: 2011 Agriculture and Natural Resources Agriculture and Natural Resources Budget Judiciary	DSOB District: 110 Member Member Member	785-296-7699 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 142-S 346-S
Colloton, Pat First Session: 2005 Education Corrections and Juvenile Justice Judiciary Jt. Comm. on Corrections and Juvenile Justice Oversight	167-W District: 28 Member Chair Member Chair	785-296-7631 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 144-S 346-S On Call

Crum, Dave First Session: 2007 Appropriations Health and Human Services Social Services Budget Jt. Comm. on Home and Community Based Services	50-S District: 77 Member Member Chair Member	785-296-7639 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 784 DSOB 711 DSOB On Call
Davis, Paul First Session: 2003 Insurance Legislative Budget Calendar and Printing	359-W District: 46 Member R.M. R.M.	785-296-7630 Democrat 3:30 p.m. M/W On Call On Call	152-S On Call On Call
DeGraaf, Pete First Session: 2009 Appropriations General Government Budget Government Efficiency Jt. Comm. on Children's Issues	459-W District: 81 Member Vice Chair Member Member	785-296-7693 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 159-S 546-S On Call
Denning, Jim First Session: 2011 Appropriations Health and Human Services Taxation Jt. Comm. on Corrections and Juvenile Justice Oversight	DSOB District: 19 Member Member Member Member	785-296-7665 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 784 DSOB 783 DSOB On Call
Dillmore, Nile First Session: 2001 Energy and Utilities General Government Budget Taxation Jt. Comm. on Information Technology	43-S District: 92 Member Member R.M. Member	785-296-7698 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	785 DSOB 159-S 783 DSOB On Call
Donohoe, Owen First Session: 2007 Appropriations Health and Human Services Taxation	173-W District: 39 Member Vice Chair Member	785-296-7695 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	351-S 784 DSOB 783 DSOB
Fawcett, James First Session: 2011 Veterans, Military and Homeland Security Transportation Financial Institutions Insurance	DSOB District: 65 Member Member Member Member	785-296-6838 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	546-S 783 DSOB 152-S 152-S

Feuerborn, Bill First Session: 1994 Appropriations Education Budget Jt. Comm. on Special Claims Against the State Jt. Comm. on State Building Construction	47-S District: 5 R.M. Member Member Member	785-296-7688 Democrat 9:00 a.m. 3:30 p.m. On Call On Call	351-S 159-S On Call On Call
Finney, Gail First Session: 2009 Energy and Utilities Commerce and Economic Development Vision 2020	DSOB District: 84 Member Member R.M.	785-296-7668 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W	785 DSOB 785 DSOB 144-S
Flaharty, Geraldine First Session: 1995 Aging and Long Term Care Pensions and Benefits Health and Human Services Jt. Comm. on Pensions, Investments, and Benefits	DSOB District: 98 R.M. Member R.M. Member	785-296-7651 Democrat 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. On Call	144-S 142-S 784 DSOB On Call
Frownfelter, Stan First Session: 2007 Energy and Utilities Commerce and Economic Development Taxation Jt. Comm. on Kansas Security	DSOB District: 31 Member Member Member Member	785-296-7648 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	785 DSOB 785 DSOB 783 DSOB On Call
Fund, Rocky First Session: 2007 Agriculture and Natural Resources Federal and State Affairs Government Efficiency Jt. Comm. on Special Claims Against the State	168-W District: 50 Member Member Vice Chair Member	785-296-7686 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 346-S 546-S On Call
Garber, Randy First Session: 2011 Elections Veterans, Military and Homeland Security Commerce and Economic Development Local Government Vision 2020 Jt. Comm. on Economic Development	DSOB District: 62 Member Member Member Member Member Member Member	785-296-6014 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	546-S 546-S 785 DSOB 144-S 144-S On Call
Gatewood, Sean First Session: 2009 Children and Families Federal and State Affairs Taxation Jt. Comm. on Children's Issues	DSOB District: 57 R.M. Member Member Member	785-296-7648 Democrat 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	142-S 346-S 783 DSOB On Call

Gatewood, Doug First Session: 1999 Appropriations Transportation and Public Safety Budget Jt. Comm. on Corrections and Juvenile Justice Oversight	43-S District: 1 Member R.M. Member	785-296-7698 Democrat 9:00 a.m. 3:30 p.m. On Call	351-S 783 DSOB On Call
Goico, Mario First Session: 2003 Elections Veterans, Military and Homeland Security Federal and State Affairs Taxation Jt. Comm. on Kansas Security	268-W District: 100 Vice Chair Chair Member Member Chair	785-296-7663 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	546-S 546-S 346-S 783 DSOB On Call
Gonzalez, Ramon First Session: 2011 Elections Transportation and Public Safety Budget General Government Budget	DSOB District: 47 Member Member Member	785-296-7677 Republican 9:00 a.m. M/W 3:30 p.m. 1:30 p.m.	546-S 783 DSOB 159-S
Goodman, Jana First Session: 2011 Education Corrections and Juvenile Justice Social Services Budget Jt. Comm. on Corrections and Juvenile Justice Oversight	DSOB District: 41 Member Member Member Member	785-296-6014 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 144-S 711 DSOB On Call
Gordon, Lana First Session: 2001 Appropriations Education Budget Jt. Comm. on Arts and Cultural Resources	151-S District: 52 Member Chair Chair	785-296-7652 Republican 9:00 a.m. 3:30 p.m. On Call	351-S 159-S On Call
Grange, John First Session: 2005 Pensions and Benefits Veterans, Military and Homeland Security Transportation Government Efficiency Jt. Comm. on Legislative Post Audit	268-W District: 75 Vice Chair Member Member Member Chair	785-296-7655 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	142-S 546-S 783 DSOB 546-S On Call
Grant, Bob First Session: 1991 Agriculture and Natural Resources Transportation Financial Institutions Insurance Jt. Comm. on Special Claims Against the State	451-S District: 2 Member Member R.M. R.M. Member	785-296-7650 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	783 DOSB 783 DSOB 152-S 152-S On Call

Jt. Comm. on State Building Construction	Member	On Call	On Call
Gregory, Terri Lois First Session: 2011 Children and Families Elections Federal and State Affairs Financial Institutions Insurance Jt. Comm. on Children's Issues	DSOB District: 10 Member Member Member Member Member Member Member Member	785-296-7646 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	142-S 546-S 346-S 152-S 152-S On Call
Grosserode, Amanda First Session: 2011 Education Federal and State Affairs Local Government	DSOB District: 16 Member Member Member	785-296-7659 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th	784 DSOB 346-S 144-S
Hayzlett, Gary First Session: 1991 Agriculture and Natural Resources Transportation Taxation	274-W District: 122 Member Chair Member	785-296-7640 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 783 DSOB 783 DSOB
Hedke, Dennis First Session: 2011 Veterans, Military and Homeland Security Commerce and Economic Development Taxation	DSOB District: 99 Member Member Member	785-296-7699 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	546-S 785 DSOB 783 DSOB
Henderson, Broderick First Session: 1995 Aging and Long Term Care Federal and State Affairs Financial Institutions Vision 2020	451-S District: 35 Member Member Member Member	785-296-7697 Democrat 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	144-S 346-S 152-S 144-S
Henry, Jerry First Session: 1993 Appropriations Transportation Social Services Budget Jt. Comm. on Corrections and Juvenile Justice Oversight Jt. Comm. on Home and Community Based Services	47-S District: 63 Member Member R.M. Member Member	785-296-7688 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 783 DSOB 711 DSOB On Call
Hermanson, Phil First Session: 2009 Energy and Utilities	167-W District: 96 Member	785-296-7500 Republican 9:00 a.m.	785 DSOB

Health and Human Services Financial Institutions Insurance Jt. Comm. on State -Tribal Relations	Member Member Vice Chair Member	1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	784 DSOB 152-S 152-S On Call
Hildabrand, Brett First Session: 2011 Agriculture and Natural Resources Transportation Local Government Vision 2020	DSOB District: 23 Member Member Member Member	785-296-7699 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	783 DOSB 783 DSOB 144-S 144-S
Hill, Don First Session: 2003 Aging and Long Term Care Pensions and Benefits Transportation Vision 2020 Jt. Comm. on Heath Policy Oversight	561-W District: 60 Member Member Member Member Member Member	785-296-7632 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. M/W	144-S 142-S 783 DSOB 144-S On Call
Hineman, Don First Session: 2009 Energy and Utilities General Government Budget Local Government Vision 2020	54-S District: 118 Member Member Member Member	785-296-7636 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	785 DSOB 159-S 144-S 144-S
Hoffman, Kyle First Session: 2011 Agriculture and Natural Resources Government Efficiency General Government Budget	DSOB District: 116 Member Member Member	785-296-7643 Republican 9:00 a.m. 3:30 p.m. 1:30 p.m.	783 DOSB 546-S 159-S
Holmes, Mitch First Session: 2005 Veterans, Military and Homeland Security Pensions and Benefits Federal and State Affairs Judiciary Jt. Comm. on Energy and Environmental Policy Jt. Comm. on Pensions, Investments, and Benefits Jt. Comm. on Special Claims Against the State	166-W District: 114 Member Chair Member Member Member Member Member Member	785-296-7667 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. On Call On Call On Call	546-S 142-S 346-S 346-S On Call On Call
Holmes, Carl First Session: 1985 Energy and Utilities Agriculture and Natural Resources Budget Jt. Comm. on Administrative Rules and Regulations Jt. Comm. on Energy and Environmental Policy	174-W District: 125 Chair Member Chair Chair	785-296-7670 Republican 9:00 a.m. 1:30 p.m. On Call	785 DSOB 142-S On Call

Howell, Jim First Session: 2011 Education General Government Budget Government Efficiency	DSOB District: 82 Member Member Member	785-296-7665 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	784 DSOB 159-S 546-S
Huebert, Steve First Session: 2001 Education Federal and State Affairs Local Government Jt. Comm. on Administrative Rules and Regulations Jt. Comm. on Special Claims Against the State	149-S District: 90 Vice Chair Member Chair Member Member	785-296-1754 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th On Call On Call	784 DSOB 346-S 144-S On Call
Johnson, Steven First Session: 2011 Pensions and Benefits Veterans, Military and Homeland Security Agriculture and Natural Resources Budget Government Efficiency Jt. Comm. on Pensions, Investments, and Benefits	DSOB District: 108 Member Member Member Member Member	785-296-7696 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	142-S 546-S 142-S 546-S On Call
Kelley, Kasha First Session: 2005 Appropriations Corrections and Juvenile Justice Taxation Legislative Budget	165-W District: 79 Vice Chair Member Member Vice Chair	785-296-7671 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 144-S 783 DSOB On Call
Kelly, Jim First Session: 2011 Aging and Long Term Care Pensions and Benefits Corrections and Juvenile Justice Judiciary	DSOB District: 12 Member Member Member Member	785-296-6014 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m.	144-S 142-S 144-S 346-S
Kerschen, Dan First Session: 2009 Agriculture and Natural Resources Commerce and Economic Development Transportation and Public Safety Budget Jt. Comm. on Economic Development	452-S District: 93 Vice Chair Member Member Member	785-296-7647 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 785 DSOB 783 DSOB On Call
Kiegerl, Mike First Session: 2005 Children and Families Federal and State Affairs Social Services Budget Jt. Comm. on Children's Issues	173-W District: 43 Chair Member Member Chair	785-296-7676 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	142-S 346-S 711 DSOB On Call

Kinzer, Lance First Session: 2004 Corrections and Juvenile Justice Judiciary Rules and Journal Jt. Comm. on State -Tribal Relations	165-W District: 14 Vice Chair Chair Member Member	785-296-7692 Republican 1:30 p.m. 3:30 p.m. On Call On Call	144-S 346-S On Call On Call
Kleeb, Marvin First Session: 2009 Appropriations Commerce and Economic Development Taxation	452-S District: 48 Member Member Vice Chair	785-296-7680 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	351-S 785 DSOB 783 DSOB
Knox, Forrest First Session: 2005 Energy and Utilities Federal and State Affairs Financial Institutions Jt. Comm. on Energy and Environmental Policy Jt. Comm. on State -Tribal Relations	274-W District: 13 Vice Chair Member Chair Member Vice Chair	785-296-7678 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th On Call On Call	785 DSOB 346-S 152-S On Call On Call
Kuether, Annie First Session: 1997 Energy and Utilities Judiciary Jt. Comm. on Energy and Environmental Policy	43-S District: 55 R.M. Member Member	785-296-7669 Democrat 9:00 a.m. 3:30 p.m. On Call	785 DSOB 346-S On Call
Landwehr, Brenda First Session: 1995 Health and Human Services Education Budget Jt. Comm. on Home and Community Based Services Jt. Comm. on Heath Policy Oversight	151-S District: 91 Chair Member Member	785-296-7683 Republican 1:30 p.m. 3:30 p.m. On Call	784 DSOB 159-S On Call
Lane, Harold First Session: 2003 Appropriations Agriculture and Natural Resources Budget Local Government Jt. Comm. on Information Technology	451-S District: 58 Member Member Member Member	785-296-7650 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th On Call	351-S 142-S 144-S On Call
Loganbill, Judith First Session: 2001 Education Federal and State Affairs Government Efficiency Jt. Comm. on Kansas Security	43-S District: 86 Member R.M. Member Member	785-296-7669 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 346-S 546-S On Call

Mah, Annie First Session: 2005 Elections Veterans, Military and Homeland Security Health and Human Services Local Government Jt. Comm. on Legislative Post Audit	DSOB District: 53 R.M. Member Member R.M. Member	785-296-7668 Democrat 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. T/Th On Call	546-S 546-S 784 DSOB 144-S On Call
Mast, Peggy First Session: 1997 Appropriations Health and Human Services Social Services Budget Jt. Comm. on Legislative Post Audit Legislative Budget Jt. Comm. on Heath Policy Oversight Calendar and Printing Interstate Cooperation Jt. Comm. on Kansas Security	DSOB District: 76 Member	785-296-7685 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call On Call On Call On Call On Call	351-S 784 DSOB 711 DSOB On Call On Call On Call On Call On Call
McCray-Miller, Melody First Session: 2005 Children and Families Elections Corrections and Juvenile Justice Taxation Jt. Comm. on Children's Issues	DSOB District: 89 Member Member R.M. Member Member	785-296-7687 Democrat 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. On Call	142-S 546-S 144-S 783 DSOB On Call
McLeland, Joe First Session: 2001 Appropriations General Government Budget Social Services Budget Jt. Comm. on Information Technology	458-W District: 94 Member Chair Member Chair	785-296-7681 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 159-S 711 DSOB On Call
Meier, Melanie First Session: 2009 Veterans, Military and Homeland Security Corrections and Juvenile Justice Judiciary	DSOB District: 40 R.M. Member Member	785-296-7668 Democrat 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	546-S 144-S 346-S
Meigs, Kelly First Session: 2011 Elections Children and Families Health and Human Services Government Efficiency	DSOB District: 17 Member Member Member Member	785-296-7656 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	546-S 142-S 784 DSOB 546-S
Mesa, Reynaldo First Session: 2011 Energy and Utilities	DSOB District: 123 Member	785-296-6838 Republican 9:00 a.m.	785 DSOB

Commerce and Economic Development Transportation and Public Safety Budget	Member Member	1:30 p.m. 3:30 p.m.	785 DSOB 783 DSOB
Montgomery, Robert First Session: 2011 Elections Veterans, Military and Homeland Security Transportation Financial Institutions Insurance	DSOB District: 26 Member Member Member Member Member Member	785-296-7677 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	546-S 546-S 783 DSOB 152-S 152-S
Mosier, Susan First Session: 2011 Health and Human Services Financial Institutions Insurance Jt. Comm. on Heath Policy Oversight	DSOB District: 67 Member Member Member Member	785-296-7690 Republican 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	784 DSOB 152-S 152-S On Call
Moxley, Tom First Session: 2007 Agriculture and Natural Resources Corrections and Juvenile Justice Transportation and Public Safety Budget	174-W District: 68 Member Member Member	785-296-7689 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 144-S 783 DSOB
O'Brien, Connie First Session: 2009 Elections Veterans, Military and Homeland Security Federal and State Affairs Education Budget Jt. Comm. on Kansas Security	165-W District: 42 Member Vice Chair Member Member Member	785-296-7671 Republican 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	546-S 546-S 346-S 159-S On Call
O'Hara, Charlotte First Session: 2011 Agriculture and Natural Resources Federal and State Affairs Financial Institutions Insurance	DSOB District: 27 Member Member Member Member Member	785-296-7646 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	783 DOSB 346-S 152-S 152-S
O'Neal, Mike First Session: 1985 Legislative Budget Interstate Cooperation Calendar and Printing	370-W District: 104 Member Chair Vice Chair	785-296-2302 Republican On Call On Call On Call	On Call On Call On Call
Osterman, Leslie First Session: 2011 Education Commerce and Economic Development Judiciary	DSOB District: 97 Member Member Member	785-296-7659 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	784 DSOB 785 DSOB 346-S

Otto, Bill First Session: 2005 Aging and Long Term Care Elections Health and Human Services Local Government Vision 2020	DSOB District: 9 Member Member Member Member Member Member	785-296-7656 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	144-S 546-S 784 DSOB 144-S 144-S
Patton, Joe First Session: 2007 Federal and State Affairs Judiciary Rules and Journal Jt. Comm. on Administrative Rules and Regulations	459-W District: 54 Vice Chair Vice Chair Member Member	785-296-7693 Republican 1:30 p.m. 3:30 p.m. On Call	346-S 346-S On Call On Call
Jt. Comm. on Special Claims Against the State	Chair	On Call	On Call
Pauls, Janice First Session: 1992 Corrections and Juvenile Justice Judiciary Rules and Journal Jt. Comm. on Administrative Rules and Regulations	451-S District: 102 Member R.M. Vice Chair Member	785-296-7657 Democrat 1:30 p.m. 3:30 p.m. On Call On Call	144-S 346-S On Call On Call
Peck, Virgil First Session: 2005 Appropriations Commerce and Economic Development Transportation and Public Safety Budget Jt. Comm. on Legislative Post Audit Jt. Comm. on Corrections and Juvenile Justice Oversight	561-W District: 11 Member Member Chair Member Member	785-296-7641 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	351-S 785 DSOB 783 DSOB On Call On Call
Peterson, Mike First Session: 1979 Agriculture and Natural Resources Federal and State Affairs Vision 2020	276-W District: 37 Member Member Member	785-296-7691 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W	783 DOSB 346-S 144-S
Phelps, Eber First Session: 1997 Education Transportation Taxation Interstate Cooperation	276-W District: 111 Member Member Member R.M.	785-296-7691 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 783 DSOB 783 DSOB On Call
Pottorff, Joann First Session: 1985 Appropriations	176-W District: 83 Member	785-296-7501 Republican 9:00 a.m.	351-S

Transportation Transportation and Public Safety Budget Jt. Comm. on State Building Construction	Member Vice Chair Chair	1:30 p.m. 3:30 p.m. On Call	783 DSOB 783 DSOB On Call
Powell, Larry First Session: 2001 Agriculture and Natural Resources Agriculture and Natural Resources Budget Taxation	149-S District: 117 Chair Member Member	785-296-7694 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	783 DOSB 142-S 783 DSOB
Prescott, Willie First Session: 2009 Agriculture and Natural Resources Transportation Taxation Interstate Cooperation	DSOB District: 59 Member Vice Chair Member Member	785-296-7644 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 783 DSOB 783 DSOB On Call
Proehl, Richard First Session: 2005 Energy and Utilities Transportation Financial Institutions Insurance Jt. Comm. on Pensions, Investments, and Benefits	50-S District: 7 Member Member Vice Chair Member Member	785-296-7639 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	785 DSOB 783 DSOB 152-S 152-S On Call
Rhoades, Marc First Session: 2007 Appropriations Legislative Budget	351-S District: 72 Chair Chair	785-296-7682 Republican 9:00 a.m. On Call	351-S On Call
First Session: 2007 Appropriations	District: 72 Chair	Republican 9:00 a.m.	
First Session: 2007 Appropriations Legislative Budget Roth, Charles First Session: 2005 Children and Families Pensions and Benefits Corrections and Juvenile Justice	District: 72 Chair Chair 174-W District: 71 Member Member Member	Republican 9:00 a.m. On Call 785-296-7689 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m.	On Call 142-S 142-S 144-S

Government Efficiency Jt. Comm. on Heath Policy Oversight Jt. Comm. on Pensions, Investments, and Benefits	Member Member Member	3:30 p.m. On Call On Call	546-S On Call On Call
Ryckman, Ronald 2011 Education General Government Budget Judiciary	DSOB District: 115 Member Member Member	785-296-7644 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	784 DSOB 159-S 346-S
Scapa, Joseph First Session: 2011 Education Commerce and Economic Development Financial Institutions Vision 2020	DSOB District: 87 Member Member Member Member	785-296-7643 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W	784 DSOB 785 DSOB 152-S 144-S
Schroeder, Don First Session: 2007 Energy and Utilities Agriculture and Natural Resources Budget Taxation	167-W District: 74 Member Vice Chair Member	785-296-7500 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m.	785 DSOB 142-S 783 DSOB
Schwab, Scott First Session: 2006 Aging and Long Term Care Elections Commerce and Economic Development Taxation Jt. Comm. on Economic Development	561-W District: 49 Member Chair Member Member Member Member	785-296-7632 Republican 9:00 a.m. T/Th 9:00 a.m. M/W 1:30 p.m. 3:30 p.m. On Call	144-S 546-S 785 DSOB 783 DSOB On Call
Schwartz, Sharon First Session: 1997 Appropriations Agriculture and Natural Resources Budget Taxation Jt. Comm. on Pensions, Investments, and Benefits	149-S District: 106 Member Chair Member Chair	785-296-7637 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 142-S 783 DSOB On Call
Seiwert, Joe First Session: 2009 Energy and Utilities Federal and State Affairs Local Government	452-S District: 101 Member Member Vice Chair	785-296-7647 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th	785 DSOB 346-S 144-S
Shultz, Clark First Session: 1997 Appropriations Financial Institutions Insurance Rules and Journal	166-W District: 73 Member Member Chair Chair	785-296-7684 Republican 9:00 a.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	351-S 152-S 152-S On Call

Siegfreid, Arlen First Session: 2003 Calendar and Printing Legislative Budget Interstate Cooperation	372-W District: 15 Chair Member Member	785-296-7662 Republican On Call On Call On Call	On Call On Call On Call
Slattery, Mike First Session: 2009 Energy and Utilities Commerce and Economic Development Jt. Comm. on Economic Development	DSOB District: 24 Member R.M. Member	785-296-7687 Democrat 9:00 a.m. 1:30 p.m. On Call	785 DSOB 785 DSOB On Call
Sloan, Tom First Session: 1995 Energy and Utilities Agriculture and Natural Resources Budget Local Government Vision 2020 Jt. Comm. on Energy and Environmental Policy	55-S District: 45 Member Member Member Chair Member	785-296-7654 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. T/Th 3:30 p.m. M/W On Call	785 DSOB 142-S 144-S 144-S On Call
Smith, Greg First Session: 2011 Energy and Utilities Corrections and Juvenile Justice Judiciary Jt. Comm. on Special Claims Against the State	DSOB District: 22 Member Member Member Member	785-296-7665 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	785 DSOB 144-S 346-S On Call
Spalding, Sheryl First Session: 2007 Education Transportation Education Budget Jt. Comm. on Arts and Cultural Resources	167-W District: 29 Member Member Member Member	785-296-7649 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	784 DSOB 783 DSOB 159-S On Call
Suellentrop, Gene First Session: 2009 Appropriations Commerce and Economic Development Judiciary Jt. Comm. on Economic Development	452-S District: 105 Member Vice Chair Member Member	785-296-7680 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	351-S 785 DSOB 346-S On Call
Swanson, Vern First Session: 2007 Energy and Utilities Transportation Vision 2020 Jt. Comm. on Arts and Cultural Resources	54-S District: 64 Member Member Vice Chair Member	785-296-7642 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. M/W On Call	785 DSOB 783 DSOB 144-S On Call

Tietze, Annie First Session: 2007 Elections Veterans, Military and Homeland Security Commerce and Economic Development Judiciary Interstate Cooperation Jt. Comm. on Economic Development	DSOB District: 56 Member Member Member Member Member Member Member	785-296-7648 Democrat 9:00 a.m. M/W 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call On Call	546-S 546-S 785 DSOB 346-S On Call On Call
Trimmer, Ed First Session: 2005 Education Health and Human Services Government Efficiency Rules and Journal Jt. Comm. on Administrative Rules and Regulations	DSOB District: 78 Member Member R.M. R.M. Member	785-296-7122 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	784 DSOB 784 DSOB 546-S On Call On Call
Tyson, Caryn First Session: 2011 Agriculture and Natural Resources Commerce and Economic Development Taxation Jt. Comm. on Administrative Rules and Regulations	DSOB District: 4 Member Member Member Member	785-296-6838 Republican 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 785 DSOB 783 DSOB On Call
Vickrey, Jene First Session: 1993 Aging and Long Term Care Legislative Budget Calendar and Printing Interstate Cooperation	352-S District: 6 Member Member Member Vice Chair	785-291-3500 Republican 9:00 a.m. T/Th On Call On Call	144-S On Call On Call On Call
Victors, Ponka-We First Session: 2011 Agriculture and Natural Resources Federal and State Affairs Judiciary Jt. Comm. on State -Tribal Relations	DSOB District: 103 Member Member Member Member	785-296-7651 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 346-S 346-S On Call
Ward, Jim First Session: 2003 Education Health and Human Services Judiciary Jt. Comm. on Heath Policy Oversight Jt. Comm. on Corrections and Juvenile Justice Oversight	451-S District: 88 R.M. Member Member Member Member	785-296-7697 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	784 DSOB 784 DSOB 346-S On Call On Call

Weber, Brian First Session: 2011 Aging and Long Term Care Health and Human Services Taxation	DSOB District: 119 Member Member Member	785-296-7646 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	144-S 784 DSOB 783 DSOB
Wetta, Vince First Session: 2007 Agriculture and Natural Resources Transportation Transportation and Public Safety Budget Jt. Comm. on Energy and Environmental Policy	DSOB District: 80 Member R.M. Member Member	785-296-7651 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call	783 DOSB 783 DSOB 783 DSOB On Call
Williams, Jerry First Session: 2001 Agriculture and Natural Resources Transportation Jt. Comm. on Pensions, Investments, and Benefits	451-S District: 8 R.M. Member Member	785-296-7650 Democrat 9:00 a.m. 1:30 p.m. On Call	783 DOSB 783 DSOB On Call
Winn, Valdenia First Session: 2001 Education Health and Human Services Education Budget Jt. Comm. on Economic Development Jt. Comm. on Administrative Rules and Regulations	451-S District: 34 Member Member R.M. Member Member	785-296-7657 Democrat 9:00 a.m. 1:30 p.m. 3:30 p.m. On Call On Call	784 DSOB 784 DSOB 159-S On Call On Call
Wolf, Bill First Session: 2007 Children and Families Transportation Social Services Budget	173-W District: 112 Vice Chair Member Member	785-296-7695 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	142-S 783 DSOB 711 DSOB
Wolf, Kay First Session: 2005 Aging and Long Term Care Corrections and Juvenile Justice Government Efficiency Jt. Comm. on State Building Construction	168-W District: 21 Member Member Member Member	785-296-7686 Republican 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m. On Call	144-S 144-S 546-S On Call
Wolfe Moore, Kathy First Session: 2011 Aging and Long Term Care Federal and State Affairs Taxation	DSOB District: 36 Member Member Member	785-296-7687 Democrat 9:00 a.m. T/Th 1:30 p.m. 3:30 p.m.	144-S 346-S 783 DSOB
Worley, Ron First Session: 2007 Aging and Long Term Care	167-W District: 30 Vice Chair	785-296-7649 Republican 9:00 a.m. T/Th	144-S

STANDING COMMITTEES OF THE HOUSE

XXX	

Pensions and Benefits	Member	9:00 a.m. M/W	142-S
Transportation	Member	1:30 p.m.	783 DSOB
Local Government	Member	3:30 p.m. T/Th	144-S
Vision 2020	Member	3:30 p.m. M/W	144-S

^{*} Trent LeDoux sworn in on May 24, 2011 to replace Rocky Fund, deceased. Resulting committee appointment changes made after adjournment of 2011 Session.

Constitutional Provisions Governing the Kansas Legislature



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

- **§ 1. Legislative power.**—The legislative power of this state shall be vested in a house of representatives and senate.
- **§ 2. Senators and representatives.**—The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.
- **§ 3.** Compensation of members of legislature.—The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.
- **§ 4. Qualifications of members.**—During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district
- § 5. Eligibility and disqualification of members.—No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.
 - § 6. This section was eliminated by the 1974 revision of this article.
 - § 7. This section was eliminated by the 1974 revision of this article.
- **§ 8. Organization and sessions.**—The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members than elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the

other, shall adjourn for more than two days, Sundays excepted.

Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases.

Each house shall be the judge of elections, returns and qualifications of its own members.

- **§ 9. Vacancies in legislature.**—All vacancies occurring in either house shall be filled as provided by law.
- § 10. Journals.—Each house shall publish a journal of its proceedings. The affirmative and negative votes upon the final passage of every bill and every concurrent resolution for amendment of this constitution or ratification of an amendment to the Constitution of the United States shall be entered in the journal. Any member of either house may make written protest against any act or resolution, and the same shall be entered in the journal without delay or alteration.
 - § 11. This section was eliminated by the 1974 revision of this article.
- **§ 12. Origination by either house.**—Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.
- § 13. Majority for passage of bills.—A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill. Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.
- § 14. Approval of bills; vetoes.—(a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

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

(b) If any bill presented to the governor contains several items of appropriation of money, one or more of such items may be disapproved by the governor while the other portion of the bill is approved by the governor. In case the governor does so disapprove, a veto message of the governor stating the item or items disapproved, and the reasons

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

- **§ 15. Requirements before bill passed.**—No bill shall be passed on the day that it is introduced, unless in case of emergency declared by two-thirds of the members present in the house where a bill is pending.
- § 16. Subject and title of bills; amendment or revival of statutes.—No bill shall contain more than one subject, except appropriation bills and bills for revision or codification of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contain the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.
- § 17. Uniform operation of laws of a general nature.—All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as "urban areas" and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.
- **§ 18. Election or appointment of officers; filling vacancies.**—The legislature may provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this constitution.
- **§ 19. Publication of acts.**—No act shall take effect until the enacting bill is published as provided by law.
- **§ 20. Enacting clause of bills; laws enacted only by bill.**—The enacting clause of all bills shall be "Be it enacted by the Legislature of the State of Kansas:". No law shall be enacted except by bill.
- § 21. Delegation of powers' of local legislation and administration.—The legislature may confer powers of local legislation and administration upon political subdivisions.
- **§ 22. Legislative immunity.**—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session;

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neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

- § 23. This section was eliminated by the 1974 revision of this article.
- **§ 24. Appropriations.**—No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.
 - § 25. This section was eliminated by the 1974 revision of this article.
- § 26. This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.
- **§ 27. Impeachment.**—The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.
- **§ 28. Officers impeachable; grounds; punishment.**—The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.
 - § 29. This section was eliminated by the 1974 revision of this article.
- **§ 30. Delegations to interstate bodies.**—The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

Joint Rules of the Senate and House of Representatives



State of Kansas 2011-2012

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JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES 2011-2012

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

- (b) Amendment, suspension or revocation of joint rules; previous notice; vote required. After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of 2/3 of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.
- (c) Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions. Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

- Joint rule 2. Joint sessions. (a) Joint session called by concurrent resolution; vote required; time, place and subject matter. A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session.
- (b) Presiding officer at joint sessions; record of joint session; rules applicable. The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.
- (c) Votes in joint session; taking; requirements. All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.
- **Joint rule 3. Conference committee procedure.** (a) *Action by house of origin of bill or concurrent resolution amended by other house.* When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.
- (b) Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur. The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent

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

- (c) Motion to nonconcur; when considered final action; effect of adoption of motion. A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.
- (d) House of origin refusal to concur or nonconcur; request for conference; procedure. When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.
- (e) Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee. Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference

committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

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

house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

- (h) Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report. The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.
- (i) Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee. If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.
- (j) Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year. Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

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

deadlines in making requests for drafting and in the introduction and consideration of bills.

- (a) Bill request deadline for individual members. Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 31, 2011, during the 2011 regular session and on January 30, 2012, during the 2012 regular session.
- (b) *Bill introduction deadline for individual members*. Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 9, 2011, during the 2011 regular session and on February 8, 2012, during the 2012 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.
- (c) *Bill request deadline for certain committees*. Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 7, 2011, during the 2011 regular session and on February 6, 2012, during the 2012 regular session.
- (d) *Bill introduction deadline for certain committees*. Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 11, 2011, during the 2011 regular session and on February 10, 2012, during the 2012 regular session.
- (e) House of origin bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 25, 2011, during the 2011 regular session and on February 24, 2012, during the 2012 regular session.

- (f) Second house bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 23, 2011, during the 2011 regular session and March 21, 2012, during the 2012 regular session.
- (g) Exceptions to limitation of (d), (e) and (f); procedure. Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.
- (h) Deadline which falls on day neither house in session; effect. In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.
- (i) Bills introduced in odd-numbered years after deadlines; effect. Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.
- (j) Modification of schedule of deadlines for introduction and consideration of bills; procedure. In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.
- (k) *Bill consideration deadline; exceptions*. No bills shall be considered by the Legislature after April 2, 2011, during the 2011 regular session and after March 31, 2012, during the 2012 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to

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

Rules of the Kansas House of Representatives



State of Kansas 2011-2012

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RULES OF THE HOUSE OF REPRESENTATIVES 2011-2012

ARTICLE 1. HOUSE SESSIONS; GENERAL OPERATION

- Rule 101. Time of Meeting. The hour of meeting on the first day of each regular session shall be at 2:00 p.m., and on other days, shall be the hour set at adjournment on the previous legislative day except that if no hour of meeting is set at adjournment on the previous legislative day, the hour of meeting shall be 11:00 a.m.
- **Rule 102. Speaker Taking Chair.** The Speaker shall take the chair each day, at the hour to which the House has adjourned. The Speaker shall call the House to order and proceed to business in accordance with the Rules of the House.
- **Rule 103. First Business.** The first business each legislative day shall be the taking of the roll, the taking of roll shall be followed by prayer and the prayer shall be followed by the recitation of the pledge of allegiance to the flag of the United States of America led by a member designated by the Speaker.
- **Rule 104. Order of Business.** (a) The regular order of business each legislative day, except on days and at times set apart for the consideration of special orders and except as provided by the joint rules of the House and Senate, shall be as follows:
 - (1) Introduction and reference of bills and concurrent resolutions.
 - (2) Reports of select committees.
 - (3) Receipt of messages from the Governor.
 - (4) Communications from state officers.
 - (5) Messages from the Senate.
 - (6) Introduction and notice of original motions and house resolutions.
- (7) Consideration of motions and house resolutions offered on a previous day.
- (8) The unfinished business before the House at the time of adjournment on the previous day.
 - (9) Consent calendar.
 - (10) Final Action on bills and concurrent resolutions.
 - (11) Bills under consideration to concur and nonconcur.
 - (12) General Orders.
 - (13) Reports of standing committees.
- (b) The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.
- Rule 105. Members Excused from Attendance. Members may be excused from attendance on any legislative day by the Speaker for the following reasons and such reasons shall be shown in the Journal: (1) Verified illness; (2) legislative business; and (3) excused absence by the Speaker.
 - Rule 106. Introduction of Guests. Except when permission has been given

by the Speaker before taking the chair, no guests in the gallery shall be introduced to the House.

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

ARTICLE 3. QUORUM

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

ARTICLE 5. CONDUCT IN THE HOUSE CHAMBER

- Rule 501. Admission to Floor. (a) During daily sessions, from the time of convening until adjournment to the following legislative day, only the following classes of persons shall be admitted to the floor of the House, the cloakrooms to the east of the house chamber and the hallway at the west of the house chamber: (1) Members of the Legislature; (2) officers and employees of the legislative branch who are properly identified; (3) persons having permits from the Speaker.
- (b) No person who is an officer or employee of the executive or judicial branch of Kansas government or an employee of the federal government shall be admitted to the area of the chamber on which legislators' desks are located during the time the House of Representatives is in session, except as provided by resolution, nor shall any such person be on the floor of the House chamber during a call of the House. No person, other than a member, shall lean on the railings on the floor of the House chamber next to the area of the chamber on which legislators' desks are located during any time the House is on final action.
- (c) No person registered with the Secretary of State as a lobbyist shall be on the floor of the House chamber 15 minutes before the time of convening the daily session until 15 minutes after adjournment to the following legislative day.
- (d) The sergeant at arms shall remove all persons from the floor, except persons authorized under the Rules of the House or a House resolution.
- (e) The provisions of this rule shall not be construed to prevent the right of access (through the west hallway) by persons going directly to or returning from the offices of the Speaker and the Majority Leader.
- **Rule 502. Food and Drink.** Members may have food or drink, or both, on their desks in the House chamber only when the member is present at the member's desk.
- **Rule 503. Galleries.** Visitors shall be allowed in one or both galleries of the House in accordance with directions to the sergeant at arms from the Speaker. Except for security personnel authorized by the Speaker, the use of telephones and the making of telephone calls in the galleries of the House are prohibited.
- Rule 504. Placing Material on Member's Desks. No items or material shall be placed upon the desk of any member of the House unless any such item or material bears the signature and printed name of the member responsible for its distribution. This Rule 504 shall not apply to items or material provided by legislative staff.
- **Rule 505. Photographic Record of Vote.** No photographic or similar record shall be made of the vote of any member upon any measure upon which a division of the assembly has been called.
 - Rule 506. Wireless Electronic Telecommunications Devices. Except for

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

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

ARTICLE 7. INTRODUCTION OF BILLS AND RESOLUTIONS

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

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

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

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

ARTICLE 9. REFERENCE OF BILLS AND RESOLUTIONS

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

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

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

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

ARTICLE 11. COMMITTEES; COMPOSITION

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

1. Aging and Long-term Care	13
2. Agriculture and Natural Resources	19
3. Appropriations	
4. Children and Families	9
5. Calendar and Printing	6
6. Commerce and Economic Development	19
7. Corrections and Juvenile Justice	
8. Education	19
9. Elections	13
10. Energy and Utilities	
11. Federal and State Affairs	23
12. Financial Institutions	13
13. Government Efficiency	13
14. Health and Human Services	19
15. Insurance	13
16. Interstate Cooperation	7
17. Judiciary	21
18. Local Government	13
19. Pensions and Benefits	9
20. Rules and Journal	7
21. Redistricting	23
22. Taxation	23
23. Transportation	19
24. Veterans, Military and Homeland Security	13
25. Vision 2020	13

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

the house standing committee on insurance and financial institutions for purposes of references in statutory or other documents.

- **Rule 1102. Committee Appointments.** (a) The Speaker shall appoint the members of the standing committees. The Speaker may remove or replace any such committee member at any time.
- (b) The Speaker shall appoint the chairperson and vice chairperson of each standing committee. The Speaker may remove or replace any such chairperson or vice chairperson at any time.
- **Rule 1103. Select Committees.** The Speaker may appoint select committees and the chairpersons and vice chairpersons thereof. The Speaker may remove or replace any such chairpersons or vice chairpersons or members of such committees. Select committees shall meet on call of the chairperson or when directed by the Speaker.
- **Rule 1104. Announce Appointments.** All committee appointments shall be announced in open session.
- Rule 1105. Budget Committees. (a) There is hereby created the following budget committees
- of the committee on appropriations which shall have the number of members indicated for each:
 - 1. Agriculture and natural resources budget committee
 9

 2. Education budget committee
 9

 3. General government budget committee
 9

 4. Legislative budget committee
 8

 5. Social services budget committee
 9

 6. Transportation and public safety budget committee
 9
- (b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall appoint the members, chairpersons and vice chairpersons of the budget committees. The Speaker may remove or replace any such chairperson, vice chairperson or member at any time.
- (c) Budget committees shall be advisory to and make recommendations to the committee on appropriations regarding matters referred to the budget committee by the committee on appropriations. A budget committee is authorized to introduce bills or resolutions within the subject matter of the budget committee. Except as otherwise provided in this rule, budget committees shall be deemed to be standing committees under the rules of the House of Representatives.

Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a et seq., and amendments thereto.

ARTICLE 13. COMMITTEES; PROCEDURE

Rule 1301. Committee Meetings; Time and Place. (a) When the Legislature is in session, standing committees shall meet at the times and place

assigned by the Speaker on the call of the chairperson.

- (b) Also, when the Legislature is in session, a standing committee shall meet upon written request of three members of the committee. Such a request shall be submitted to the Speaker and the chairperson at least one legislative day before the requested time of meeting. The time and place of a meeting under this subsection (b) shall be set by the chairperson with the approval of the Speaker.
- Rule 1302. Notice and Agenda for Committee Meetings. The chairperson shall provide notice of meetings and an agenda or agenda information to committee members, the chief clerk and the public. The chief clerk shall include in the calendar such information as is practical.
- **Rule 1303. Duties of Committee Chairperson.** The principal duties of the chairperson of a standing committee are:
 - (a) To preside over meetings of the committee and to put all questions;
- (b) to maintain order and decide all questions of order subject to appeal to the committee;
 - (c) to supervise and direct staff of the committee;
- (d) to keep, or have the committee secretary keep, subject to the approval of the committee at a subsequent meeting, minutes of meetings which shall include:
 - (1) The time and place of each meeting of the committee;
 - (2) the attendance of committee members; and
- (3) the names and city and state of residence of persons appearing before the committee and whom each represents;
- (e) to prepare and sign reports of the committee and submit them promptly to the chief clerk:
 - (f) to appoint subcommittees to perform duties on an informal basis; and
- (g) to inform the Speaker of any committee activity which caused any member of the committee to be absent during any recorded vote.
- Rule 1304. Introduction of Committee Bills and Resolutions. A committee may introduce bills and resolutions while the Legislature is in session respecting any matters referred to it. Unless approved by the Speaker, a standing committee may introduce bills and resolutions only within the general subject area assigned to the committee. No standing committee shall originate a bill which is substantially identical with any bill which has been referred to another standing committee, and which is under consideration by such committee.
- **Rule 1305. Quorum of a Committee.** A quorum shall be present at a meeting for a committee to act officially. A quorum of a committee is a majority of the members of the committee. A quorum of a committee may transact business and a majority of the quorum, even though it is a minority of the committee, may adopt a committee report.
 - Rule 1306. Voting in Committees. (a) All final actions by a committee

shall be taken at a called meeting while the Legislature is in session. The final action taken shall be recorded in the committee minutes. An individual member's vote may be recorded at the member's request.

- (b) The committee chairperson may vote but shall not be required to vote unless the committee is equally divided. If the chairperson's vote makes the division equal, the question shall be lost.
- (c) An action formally taken by a committee cannot be altered in the committee except by reconsideration and further formal action of the committee
- (d) A motion to take from the table may be adopted by the affirmative vote of a majority of the members present at any called meeting of the committee.
- Rule 1307. Procedure in General. Committee procedure shall be informal, but where any questions arise thereon, the rules or practices of the House are applicable except that the right of a member to speak to any question shall not be subject to the limitations prescribed by Rule 1704. All motions in a committee shall require a second.

Rule 1308. Committee Action on Bills and Resolutions. (a) A committee shall not

take action to report a bill out of committee on the same day that the committee holds a hearing on the bill unless the committee approves such action by a two-thirds vote.

- (b) A committee may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the House. Committee reports shall be signed by the chairperson or other committee members authorized by the committee to make the report, and shall be transmitted to the House not later than the second legislative day following the action of the committee.
- (c) All committee reports on bills and resolutions shall be recorded in the Journal.
- (d) If amendments are pending on a measure when referred to a committee, the amendments accompany the bill and the committee may recommend the adoption or rejection of the amendments already proposed and make further recommendations.

Rule 1309. Motion to Withdraw a Bill or Resolution from a Committee.
(a) If a committee does not report on any bill or resolution within 10 legislative days after its reference to the committee, the bill or resolution may be withdrawn from the committee by an affirmative vote of 70 members of the House. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business

consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

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

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

ARTICLE 15. CALENDAR LOCATION OF BILLS AND RESOLUTIONS

Rule 1501. General Orders; Description and Function. Bills, concurrent resolutions and House resolutions reported for further action by the committee to which they were referred and bills and concurrent resolutions referred directly to the committee of the whole shall constitute the General Orders of the calendar of the House. The titles of such bills and resolutions shall appear under the heading General Orders in the order directed by the Speaker and the Majority Leader. The reporting committee and its action on the bill or resolution shall be shown under each bill and resolution. Such bills and resolutions shall be considered by the committee of the whole in the order which they appear on General Orders. The Speaker and the Majority Leader may consult with the Committee on Calendar and Printing in preparing the order of bills and resolutions under this rule.

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

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

(b) Also, the order of a bill or resolution on General Orders may be changed

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

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

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

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

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

Rule 1506. Motion to Lay on Table Bill or Resolution while on Final Action Subject to Amendments and Debate. When a motion to lay on the

table a bill or resolution is adopted while on final action subject to amendment and debate, on the next legislative day such bill or resolution shall be placed on the calendar under the order of business the unfinished business before the House at the time of adjournment on the previous day.

Rule 1507. Disposition of Bills Subject to Certain Deadlines. Any bill which is subject to a deadline for consideration under subsection (e) or subsection (f) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives and which remains on general orders at the close of business on such deadline day shall be considered as killed and shall be stricken from the calendar unless such bill is referred by the speaker to a committee before the close of business on such day. Any bill so referred shall be subject to all applicable deadlines under the Joint Rules of the Senate and House of Representatives.

ARTICLE 17. MEMBERS ADDRESSING THE HOUSE

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

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

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

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

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

shall call such member to order.

Rule 1705. Point of personal privilege. Except when permission has otherwise been given by the Speaker before taking the chair:

- (a) A member shall be allowed to raise a point of personal privilege only for the following purposes: (1) Recognition of another member or former member of the House; or (2) recognition of an individual or group which has received state-wide or national award or state-wide or national recognition.
- (b) A member shall be allowed to speak not more than five minutes in making a point of personal privilege.

ARTICLE 19. COMMITTEE OF THE WHOLE

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

Rule 1902. Committee of the Whole: Normal Procedure. Bills and resolutions shall be considered in the Committee of the Whole as follows: If the standing committee has recommended that the bill or resolution be amended, the standing committee report shall first be considered, and if it is adopted, the bill as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, or if the committee has recommended no amendments, the bill, without committee amendments, shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. After a section has been once considered no amendment thereto shall be in order until the whole bill shall have been considered section by section. After the original bill, together with standing committee amendments if any, has been considered section by section, the chairperson shall announce, "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion that when the committee arises it report a bill favorably, or report a bill favorably as amended, shall not be in order until all other motions have been disposed of, and such a motion shall not be offered as a substitute motion. A motion to strike the enacting clause is in order at any stage until the final vote is announced. The motion to strike the enacting clause may be debated upon the merit of the proposition, and shall not be subject to amendment or substitution. A roll call vote shall be taken upon a motion to strike the enacting clause.

Rule 1903. Motion to Pass Over a Bill or Resolution While in Committee of the Whole. When in the Committee of the Whole, either (1) a motion to pass over a bill or resolution and that it retain its place on the Calendar or (2) a motion to pass over a bill or resolution and that it retain a place on General Orders shall be in order only after the chairperson has

announced that the next order of business is such bill or resolution and has recognized a member to carry it. Either motion shall require the vote of a majority of the members present for adoption. Motions under this rule shall not be subject to debate.

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

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

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

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

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

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

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

Rule 1910. Report of Committee of the Whole. When the report of the Committee of the Whole recommends the passage of a bill or adoption of a

resolution, and the report is adopted by the House, such bills and resolutions shall be considered as ordered to the order of business Final Action. If the bill or resolution has been amended by the Committee of the Whole it shall be reprinted.

ARTICLE 21. AMENDMENT OF BILLS AND RESOLUTIONS

Rule 2101. Germaneness. Amendments to bills and resolutions shall be germane to the subject of the bill or resolution. The principal test of whether an amendment is germane shall be its relationship to the subject of the bill or resolution, rather than to wording of the title thereof. The amendment, including any amendment from the floor to strike all of the substantive provisions of a bill or resolution and insert other provisions, must be relevant, appropriate, and have some relation to or involve the same subject as the bill or resolution to be amended. For the purposes of this rule the subject matter of any appropriation bill is the spending and appropriating of money and any amendment which changes the amount of money spent in any state agency or program is germane to any appropriation bill.

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

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

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

- Rule 2104. Motions to Amend Motions. A motion to amend a motion to amend a bill or resolution shall not be in order.
- **Rule 2105. Dividing Amendments.** (a) When any motion to amend a bill or resolution contains distinct propositions it shall be divided by the chairperson at the request of any member. The division by the chairperson shall be made in accordance with the following:
- (1) A motion to strike out and insert words of less than a sentence shall be indivisible;
- (2) the distinct propositions shall be only in the form submitted in the motion to amend;
- (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own; and
- (4) those portions of a motion to amend a bill as described in Rule 2110 shall be indivisible.
- (b) Upon a request to divide a motion to amend a bill or resolution, the chairperson shall inquire as to whether there is a request for a ruling on germaneness of the motion to amend. If such a request is made, the issue of germaneness shall be determined prior to dividing the motion.

If no request for a ruling on germaneness of the motion to amend is made, the chairperson shall proceed to divide the motion to amend in accordance with this rule, and no subsequent request for a ruling on germaneness of any distinct proposition of the motion so divided shall be in order.

- (c) The chairperson, or any member, may request that the member requesting the division make the request in writing specifying the manner in which the motion to amend should be divided.
- (d) The chairperson may request that the member requesting the division and the chairperson or the vice-chairperson of the Committee on Rules and Journal recommend an appropriate division, but the final ruling on how to divide the motion to amend shall be that of the chairperson who shall announce the division to the body.
- (e) The division of the motion to amend shall be in accordance with the rules of the House and with items (1) to (4), inclusive, of subsection (a). The ruling of the chairperson on how to divide the motion to amend shall not be subject to appeal except that any member may appeal the ruling of the chairperson on the grounds that the division is not in accordance with a rule of the House including the provisions of items (1), (2), (3) or (4) of subsection (a), or any combination thereof.
- Rule 2106. Substitute Motions. No substitute motion to amend a bill or resolution shall be in order.
- **Rule 2107. Subject Change by Senate.** (a) When the Senate adopts amendments to a House bill which materially changes its subject, upon return of such bill to the House, it shall be read as provided for the introduction of bills and be referred as provided in Rule 901.

- (b) The Speaker may determine when a bill is subject to subsection (a). An affirmative vote of 70 members shall be required to sustain a challenge to the Speaker's determination hereunder.
- Rule 2108. Motions to Strike Out and Insert. The rejection of a motion to amend a bill or resolution by striking out and inserting one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.
- **Rule 2109. Identical Motions.** Except upon the unanimous consent of the House, an identical motion to amend a bill or resolution shall not be made a second time on the same legislative day.
- Rule 2110. Floor Amendments to Bills Making Appropriations. Unless by majority consent to correct an error in drafting, no floor amendment to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill.

ARTICLE 23 PROCEDURAL MOTIONS

- **Rule 2301. Order of Motions.** When a question is under consideration, no motion shall be received except as specified under the Rules of the House, which motions shall have precedence in the following order:
 - (a) For adjournment of the House.
 - (b) For call of the House.
 - (c) To lay on the table.
 - (d) For the previous question.
 - (e) To postpone to a certain time.
 - (f) To commit to a standing committee.
 - (g) To commit to a select committee.
- (h) To reject the adoption of reports of conference committees coupled with the request for appointment of a new conference committee.
 - (i) To adopt the report of conference committees.
 - (i) To amend.
 - (k) To postpone indefinitely.
- **Rule 2302. Motion to Adjourn.** The motion to adjourn shall always be in order, except while a vote is being taken and until announced, or when a member has the floor, or when the previous question is pending; but a motion to recess is not equivalent to a motion to adjourn.
- **Rule 2303. Motion to Reconsider.** A motion to reconsider shall take precedence of all other questions except the motion to adjourn. No motion for reconsideration of any vote shall be in order, unless made on the same day or the legislative day following that on which the decision to be reconsidered took place, nor unless a member voting with the prevailing side shall move such

reconsideration. A motion for reconsideration, being put and lost, shall not be renewed, nor shall any subject or vote be a second time reconsidered without unanimous consent, but this provision shall not be construed as preventing the introduction of a bill on the same subject. The member moving for reconsideration shall be allowed not more than two minutes for stating the reasons in support of the motion. Such motion shall be subject to debate by any member, stating reasons in support or opposition to the motion. Each of such members shall be allowed not more than one minute for the purpose of such debate. Such motion shall require the affirmative vote of members equal in number to that required to take the action proposed to be reconsidered. A motion to reconsider any final action of the House shall be in order at any time prior to the time at which the message of the House thereon is read into the record of the Senate. A motion to reconsider any final action of the House may be made after the time at which the message of the House thereon is read into the report of the Senate but any action taken pursuant thereto will be contingent upon the return of the measure to the House by the Senate.

Rule 2304. Previous Question. The "previous question" shall be: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When voting on the previous question, the House decides that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution or other matter under consideration. When amendments are pending, a vote shall first be taken upon such amendments in their order without further debate or amendment.

A majority vote of the members present shall order the previous question.

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

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

Rule 2307. Motion to Strike Bills and Resolutions from Calendar When Not in Committee of the Whole. When not in the Committee of the Whole, a motion to strike a bill or resolution from the Calendar shall be in order only when the body is meeting as the House of Representatives and shall be authorized only when offered by the Majority Leader, or in the absence of the

- Majority Leader, by the Assistant Majority Leader. Such motion shall require the affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.
- **Rule 2308. Stating Question.** Every motion shall be first stated by the presiding officer or read by the chief clerk, before debate, and again immediately before putting the question.
- **Rule 2309. Dividing Motion.** If any motion, other than a motion under Rule 2105, contains distinct propositions it shall be divided by the chairperson at the request of any member. Motions under Rule 2105 shall be divided in accordance with that rule.
- **Rule 2310.** When Motions to be in Writing. Every motion, except those specified in Rules 2301 and 2303, shall be in writing if the Speaker or any member desires it. All motions to amend a bill or resolution and all resolutions shall be in writing.
- **Rule 2311. Suspension of Rules of the House.** (a) No rule of the House shall be suspended except by unanimous consent or by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House, subject to the following exceptions:
- (1) A motion to suspend the rules, and to declare an emergency and to advance a bill to the order of business Final Action, as contemplated in article 2, section 15 of the Constitution shall require an affirmative vote of 2/3 of the members present in the House.
- (2) A motion to suspend the rules and to permit amendment and debate of a bill under the order of business Final Action shall require an affirmative vote of 2/3 of the members present in the House.
- (b) When under the rules of the House a motion, question or action requires a vote of a majority greater than a majority of the members present, the majority specified for such motion, question or action shall be required to suspend the rules for the purpose of such motion, question or action. When under the rules of the House notice of a motion reduces the required majority for adoption of the motion, the required majority shall not be reduced if the notice is disposed of by suspension of the rules.
- (c) Suspension of the rules or unanimous consent shall not reduce the majority required under subpart (1) of subsection (a) of this rule.
- **Rule 2312. Mason's Manual; When Applicable.** (a) In any case where rules of the House or the joint rules of the Senate and House do not apply, Mason's Manual of Legislative Procedure (2010 edition), with the exception of section 4, paragraph 2, shall govern.
- (b) Rules of legislative procedure are derived from several sources and take precedence in the order listed below. For the Kansas House of Representatives, the principal sources are as follows: (a) Constitutional provisions; (b) statutory provisions; (c) adopted rules; (d) adopted parliamentary authority; (e) custom, usage and precedents.

ARTICLE 25. VOTING

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

Rule 2502. Procedure for Taking a Roll Call Vote. When a roll call vote is taken, the presiding officer shall state the question and instruct the members to proceed to vote. When sufficient time has been allowed the members to vote, the presiding officer shall inquire: "Has every member had an opportunity to vote?" After a short pause the presiding officer shall direct the chief clerk to close the roll. After the roll has been closed, when Rule 2505 applies, the presiding officer shall inquire: "Does any member desire to explain their vote?" and any member so desiring may give such explanation when recognized by the presiding officer. The presiding officer shall inquire: "Does any member desire to change their vote?" If any member does desire to change their vote, such member when recognized by the presiding officer, shall advise how they desire to change such vote and the presiding officer shall then instruct the chief clerk to make the appropriate change. A member who has not previously voted may vote at this time when permitted by the presiding officer. Such member shall advise how they wish to vote and the presiding officer shall then instruct the chief clerk to record such vote. After all members who desire to vote or to change their votes have had reasonable opportunity to do so, the presiding officer shall announce the vote and, when the vote has been announced, shall direct the chief clerk to record the vote.

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

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

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

(c) The Speaker shall not be compelled to vote except in case of a tie.

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

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

(b) When a roll call vote is taken, it shall be recorded in the Journal by a statement of the names and total number voting in the affirmative, the names and total number voting in the negative, names and total number indicating presence but not voting and the names and total number absent or not voting, except that the provisions of this section shall not permit a member to fail to vote in violation of Rule 2508.

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

- (b) A roll call vote shall be taken for the adoption of any concurrent resolution to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate. A roll call vote is not required for adoption of concurrent resolutions pertaining to commendations or acknowledgments, unless required under subsection (e) of Rule 2507.
- (c) A roll call vote shall be taken for the adoption of any House resolution to adopt, amend or revoke any rule of the House or to reject any executive reorganization order.
- (d) A roll call vote shall be taken to concur in Senate amendments to any bill or concurrent resolution or to adopt any conference committee report other than a report agreeing to disagree.
- (e) A roll call vote shall be taken on any question on demand of 15 members, unless a roll call vote is already pending.

Rule 2508. Call of the House. (a) A call of the House shall be ordered on the demand of any 10 members at any stage of the voting previous to the announcing of the vote or, if the voting system is used, prior to recording the vote. This Rule 2508 shall apply to the taking of a vote upon the final passage

of any bill or final adoption of any resolution whether under the order of business Final Action or under any order of business. Also, this Rule 2508 shall apply to the taking of a vote on a motion to strike the enacting clause of a bill and the resolving clause of a resolution and on a motion to strike all after the enacting clause or resolving clause, except when the House is in the Committee of the Whole. When the call of the House is invoked, the doors to the House chamber shall be secured and all members shall be required to be in their seats unless excused by the Speaker. All members present during the call shall be required to vote before the call is raised. The call of the House shall not be raised (so long as 10 members continue the demand) until a reasonable effort, as determined by the Speaker, has been exerted to secure absentees.

(b) Any member, who is directly interested in a question, may be excused from voting, when there is a call of the House. The member, who is requesting to be excused from voting, shall state the reasons therefor, occupying not more than five minutes. The question on excusing such member from voting shall be taken without debate and a 2/3 majority of members present shall be necessary to excuse such member. If a member refuses to vote, when not excused, such refusal shall constitute grounds for reprimand, censure or expulsion under Article 49 of the Rules of the House.

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

ARTICLE 27. FINAL ACTION

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

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

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

Rule 2704. Speaker to Preside. Subject to Rule 3303, the Speaker shall

preside during the order of business Final Action.

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

Rule 2706. Majority for Bill Passage. As provided in section 13 of article 2 of the Constitution of Kansas, a majority of the members then elected (or appointed) and qualified, voting in the affirmative, shall be necessary for the passage of a bill.

Rule 2707. Vote Required for Adoption of House Resolutions and Concurrent Resolutions. (a) A majority of the members then elected (or appointed) and qualified voting in the affirmative shall be necessary to adopt House resolutions and concurrent resolutions, except as otherwise specified in these rules.

(b) Adoption of concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall require a 2/3 majority of the members then elected (or appointed) and qualified, voting in the affirmative.

Rule 2708. Motion to Adopt Report of Conference Committee. The member carrying the report of a conference committee shall move that such report be adopted prior to yielding the floor to any other member and a motion to adopt a report of a conference committee shall not be offered as a substitute motion.

ARTICLE 29. RESOLUTIONS

Rule 2901. Resolving Clause; Form. (a) Concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the

Constitution of the United States and when required by the joint rules of the House and Senate shall have a resolving clause which reads, "Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein."

- (b) Concurrent resolutions for any purpose other than subsection (a) shall have a resolving clause which reads, "Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein."
- (c) House resolutions shall have a resolving clause which reads, "Be it resolved by the House of Representatives of the State of Kansas."
- Rule 2902. House Resolutions; Introduction and Consideration. (a) House resolutions, except for those changing rules of the House or approving or rejecting executive reorganization orders, shall lay over at least one legislative day before action is taken thereon and do not require a roll call vote unless required under subsection (e) of Rule 2507.
- (b) House resolutions shall be considered under the order of business consideration of motions and House resolutions offered on a previous day, except House resolutions to (1) adopt, amend or revoke any rule of the House or (2) when the resolution has been referred to a standing committee and reported favorably. Resolutions under subparts (1) and (2) shall take a place on General Orders when favorably reported or when referred to the Committee of the Whole by the Speaker.

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

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

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

ARTICLE 33. MEMBER OFFICERS

Rule 3301. Elected Member Officers. The Speaker and the Speaker Pro Tem shall be members and shall be elected by the members of the House,

except as otherwise provided in subsection (b) of Rule 3304.

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

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

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

Rule 3304. Filling Certain Vacancies. (a) When a vacancy occurs in the office of Speaker and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the House of Representatives shall meet within 30 days and elect a member to fill the vacancy. The Speaker Pro Tem shall within 10 days of such occurrence issue a call for such meeting at a time not less than 10 days and not more than 20 days after the date of the call.

- (b) When a vacancy occurs in the office of Speaker Pro Tem or Majority Leader of the House of Representatives, the Speaker shall appoint an acting Speaker Pro Tem or acting Majority Leader, to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original election or selection of such officer.
- (c) When a vacancy occurs in the office of Minority Leader of the House of Representatives and the Legislature is adjourned to a date less than 30 days after the occurrence of the vacancy, the Assistant Minority Leader shall become the acting Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of such officer. When a vacancy occurs in the office of the Minority Leader of the House and the Legislature is adjourned to a date 30 days or more after the occurrence of the vacancy, the Assistant Minority Leader shall within 10 days after such occurrence issue a call for a meeting of the members of the minority party at a time not less than 10 and not more than 20 days after the date of the call to be held in the state capitol for the purpose of filling the vacancy in the office of Minority Leader for the remainder of the term of office. From the time of the occurrence of such vacancy until the filling of the vacancy, the Assistant Minority Leader shall serve as acting Minority Leader and shall exercise the powers and duties of the Minority Leader.

When a vacancy occurs in the office of Assistant Minority Leader, the Minority Leader shall appoint an Assistant Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy

shall be filled in the manner provided for the original selection of such officer. Any person elected, appointed or designated to fill a vacancy under this rule shall exercise all of the duties and powers prescribed for the office so filled.

ARTICLE 35. NONMEMBER OFFICERS

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

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

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

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

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

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

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

ARTICLE 37. AMENDMENT OF RULES OF THE HOUSE

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

Rule 3702. Resolutions for Rule Changes. (a) Notwithstanding any other rule of the House, the Speaker shall refer all resolutions which provide for the adoption, amendment or revocation of any House rule to the standing Committee on Rules and Journal before its consideration by the House.

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

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

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

Rule 3705. Special Sponsorship of Rule Change Resolutions. Notwithstanding any provision of the rules of the House to the contrary, no referral to the standing Committee on Rules and Journal shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the House at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified, subject to the following conditions: (a) The resolution is sponsored by the Speaker or the standing Committee on Rules and Journal and (b) either (1) a copy thereof is mailed to each member by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (2) in lieu of mailing, copies of the resolution are made available to members on the first day of the legislative session and consideration under Rule 3704 occurs on the second legislative day.

ARTICLE 39. FORM AND PRINTING OF BILLS AND RESOLUTIONS

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

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

Rule 3903. Showing Committee Amendments. All bills and resolutions

reported by a committee with recommendation for amendments and to be passed as amended shall be reprinted.

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

- (1) In the case of bills substituted for House bills, "Substitute for House Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.
- (2) In the case of bills substituted for Senate bills, "House Substitute for Senate Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.
- (b) When a substitute concurrent resolution is recommended by a committee report, and when an amendment from the floor is adopted replacing the concurrent resolution under consideration with a substitute concurrent resolution, the substitute concurrent resolution shall be printed in the manner provided for concurrent resolutions introduced, and the concurrent resolution number designation shall be substantially as follows:
- (1) In the case of concurrent resolutions substituted for House concurrent resolutions, "Substitute for House Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.
- (2) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "House Substitute for Senate Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.
- **Rule 3905. Appropriation Bills.** All bills making an appropriation shall be printed and distributed, or shall be made available to members electronically online and all members shall be notified by email, at least 24 hours before such bills are considered by the House.
- **Rule 3906. Committee of the Whole Amendments.** If a bill or concurrent resolution is amended by the Committee of the Whole, it shall be reprinted showing the amendments.
- Rule 3907. Concurrent Resolutions, When Printed. (a) Concurrent resolutions to amend the Constitution of Kansas, to call a constitutional convention to amend the Kansas constitution, to ratify amendments to the Constitution of the United States, to apply for a United States constitutional convention or to amend the joint rules of the House and Senate shall be printed as provided for bills under Rule 3902.
- (b) Other concurrent resolutions shall be printed as provided for bills under Rule 3902, unless otherwise directed by the Speaker.

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

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

ARTICLE 41. JOURNAL AND CALENDAR

Rule 4101. Journal; Preparation. The daily Journal of the House of Representatives shall be prepared by the chief clerk in accordance with the Rules of the House.

Rule 4102. Entering in Journal. When a bill, order, motion or resolution is entered in the Journal, the names of the members or legislative committee introducing or moving the same shall be entered.

Rule 4103. Resolutions in Journal. All House resolutions and all House concurrent resolutions shall be printed in the Journal when introduced.

Rule 4104. Messages from the Governor in Journal. All messages from the Governor and all executive reorganization orders shall be printed in the Journal.

Rule 4105. Calendar; Preparation. The House Calendar shall be prepared for each legislative day by the chief clerk in accordance with the Rules of the House

Rule 4106. Status of Bills and Resolutions Shown in Calendar. The status of all House and Senate bills and concurrent resolutions and House resolutions shall be shown by number in the Calendar for each legislative day.

Rule 4107. Copies of Journals and Calendars. Each member shall be furnished with a printed copy of the daily Journal and the daily Calendar.

ARTICLE 43. MISCELLANEOUS

Rule 4301. Employees; Employment. Such employees as are necessary to enable the officers, members and committees to properly perform their duties and transact the business of the House with efficiency and economy shall be recruited under the supervision of the director of legislative administrative services subject to approval of the Speaker. The director of legislative administrative services shall keep a roster of the employees of the House and an account of the hours of service performed. No employee shall lobby for or against any measure pending in the Legislature and any employee violating this rule shall be discharged immediately.

Rule 4302. Special Order. Any matter may be made the special order for any particular time or day, but all requests and motions for special orders shall be referred to the Committee on Rules and Journal, which may designate particular times and days for such special orders and report to the House for its approval. Upon adoption of such report by 2/3 of the members present, the matters designated shall stand as special orders for the times stated, but no special order shall be made more than seven days in advance. This Rule 4302 shall not apply to executive reorganization orders or resolutions relating thereto.

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

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

Rule 4305. Open Meetings. The open meeting law (K.S.A. 75-4317 et seq. and amendments thereto) shall apply to meetings of the House of Representatives and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of the House majority party may be closed as determined by the Majority Leader. Caucuses of the House minority party may be closed as determined by the Minority Leader.

ARTICLE 45. EXECUTIVE REORGANIZATION ORDERS

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

Rule 4502. Committee Report on Executive Reorganization Orders. If the committee to which an executive reorganization order is referred recommends that the executive reorganization order be disapproved, the committee, not later than 15 calendar days after referral of the executive reorganization order to the committee, shall introduce a resolution for disapproval of the executive reorganization order. Such resolution shall be accompanied by the report of the committee recommending that the resolution be adopted.

Rule 4503. Return in Event of Committee's Failure to Report. If a committee fails to report upon an executive reorganization order within 15 calendar days after the executive reorganization order is referred to the committee, the committee shall be deemed to have recommended approval of the executive reorganization order.

Rule 4504. Special Order of Business for ERO. When a resolution for disapproval of an executive reorganization order is introduced and accompanied by the committee's report recommending adoption of the

resolution, action on the resolution shall be made the special order of business on a particular day and hour specified by the Speaker but not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. A resolution for disapproval of an executive reorganization order shall be considered under the order of business Final Action and shall be subject to debate and final action by the House.

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

Rule 4506. Nonaction When Moot. The House shall act on any resolution for disapproval of an executive reorganization order unless at the time set for such action the Senate has already rejected such executive reorganization order.

ARTICLE 47 IMPEACHMENT

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

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

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

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

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

Rule 4706. Same; Procedure. The Speaker and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the House of Representatives.

ARTICLE 49. REPRIMAND, CENSURE OR EXPULSION OF MEMBERS

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

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

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

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

Journal of the House

2011 REGULAR SESSION JANUARY 10, 2011 THROUGH ADJOURNMENT JUNE 1, 2011

SUSAN W. KANNARR, Chief Clerk of the House

EXPLANATION OF ABBREVIATIONS

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

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

EXPLANATION OF PAGE NUMBERING

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

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

Journal of the House

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KANSAS, MONDAY, December 6, 2010, 10:00 AM

In accordance with the provisions of K.S.A. 40-142, those members elected at the General Elections, November 2, 2010, convened at 10:00 a.m.

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

State of Kansas Secretary of State

I, Chris Biggs, Secretary of State, do hereby certify that the following persons were elected members of the House of Representatives of the State of Kansas for a two year term beginning on the second Monday of January, A.D. 2011.

District	District
1 st — Doug Gatewood	26 th — Rob Olson
2 nd — Robert "Bob" Grant	27 th — Ray Merrick
3 rd — Terry Calloway	28 th — Pat Colloton
4 th — Caryn Tyson	29 th — Sheryl L. Spalding
5 th — Bill Feuerborn	30 th — Ron Worley
6 th — Jene Vickrey	31 st — Stan S. Frownfelter
7 th — Richard J. Proehl	32 nd — Louis E. Ruiz
8 th — Jerry D. Williams	33 rd — Tom Burroughs
9 th — Bill Otto	34 th — Valdenia C. Winn
10 th — TerriLois Gregory	35 th — Broderick T. Henderson
11 th — Virgil Peck	36 th — Kathy Wolfe Moore
12 th — Jeff King	37 th — Michael J. (Mike) Peterson
13 th — Forrest Knox	38 th — Anthony R. Brown
14 th — Lance Kinzer	39 th — Owen Donohoe
15 th — Arlen H. Siegfreid	40 th — Melanie Meier
16 th — Amanda Grosserode	41st — Jana Taylor Goodman
17 th — Kelly Meigs	42 nd — Connie O'Brien
18 th — John Rubin	43 rd — S. Mike Kiegerl
19 th — Jim Denning	44 th — Barbara W. Ballard
20 th — Rob Bruchman	45 th — Tom Sloan
21st — Kay Wolf	46 th — Paul Davis
22 nd — Greg A. Smith	47 th — Lee Tafanelli
23 rd — Brett Hildabrand	48 th — Marvin Kleeb
24 th — Mike Slattery	49 th — Scott Schwab
25 th — Barbara Goolsbee Bollier	50 th — Rocky Fund

District	District
District	District
51 st — Mike Burgess 52 nd — Lana Gordon	89 th — Melody McCray-Miller 90 th — Steve Huebert
53 rd — Lana Gordon 53 rd — Ann E. Mah	90" — Steve Huebert
	91st — Brenda Landwehr
54 th — Joe Patton	92 nd — Nile Dillmore
55 th — Annie Kuether	93 rd — Daniel J. Kerschen
56 th — Annie Tietze	94 th — Joe McLeland
57 th — Sean Gatewood	95 th — Benny Boman
58 th — Harold Lane	96 th — Phil Hermanson
59 th — William R. Prescott	97 th — Leslie Osterman
60 th — Don Hill	98 th — Geraldine Flaharty
61st — Richard Carlson	99 th — Aaron Jack
62 nd — Randy Garber	100 th — Mario Goico
63 rd — Jerry Henry	101 st — Joe Seiwert
64 th — Vern Swanson	102 nd — Janice L. Pauls
65 th — James P. Fawcett	103 rd — Ponka-We Victors
66 th — Sydney Carlin	104 th — Michael R. "Mike" O'Neal
67 th — Susan Mosier	105 th — Gene Suellentrop
68 th — Tom J. Moxley	106 th — Sharon Schwartz
69 th — Tom Arpke	107 th — Elaine S. Bowers
70 th — J. Robert (Bob) Brookens	108 th — Steven C. Johnson
71 st — Charlie Roth	109 th — Clay Aurand
72 nd — Marc Rhoades	110 th — Dan L. Collins
73 rd — Clark Shultz	111 th — Eber Phelps
74 th — Don Schroeder	112 th — Bill Wolf
75 th — John C. Grange	113 th — Bob Bethell
76 th — Peggy Mast	114 th — Mitch Holmes
77 th — J. David Crum	115 th — Garrett Love
78 th — Ed Trimmer	116 th — Kyle D. Hoffman
79 th — Kasha Kelley	117 th — Larry Powell
80 th — Vincent Wetta	118 th — Don Hineman
81st — Pete DeGraaf	119 th — Pat George
82 nd — Jim Howell	120 th — Ward Cassidy
83 rd — Jo Ann Pottorff	121 st — Jim Morrison
84 th — Gail Finney	122 nd — Gary K. Hayzlett
85 th — Steven Brunk	123 rd — Reynaldo R. Mesa
86 th — Judith Loganbill	124 th — J. Stephen Alford
87 th — Joseph Scapa	125 th — Carl D. Holmes
88 th — Jim Ward	120 Cuit D. Homico
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In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 6^{th} day of December, A.D. 2010.

Chris Biggs Secretary of State Timolthy Graham Assistant Secretary of State Members-elect McCray-Miller and Seiwert were absent. District #121 is presently vacant because of the death of Member-Elect Jim Morrison.

Assistant Secretary of State Timothy Graham appointed Member-Elect Hayzlett to serve as temporary chairperson.

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

The meeting was called to order pursuant to recess by Member-Elect Clark Shultz who assumed the chair in the absence of Mr. Hayzlett.

Majority Party Caucus Chairperson David Crum submitted the following report:

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

- (a) Nominate as their candidate for the following offices for the next ensuing biennium:
 - (1) Speaker of the House of Representatives, Michael R. "Mike" O'Neal
 - (2) Speaker Pro Tem of the House of Representatives, Gene Vickrey
 - (b) Select the following caucus or party officers:
 - (1) Majority Leader, Arlen Siegfreid
 - (2) Assistant Majority Leader, Peggy Mast
 - (3) Majority Whip, William Prescott
 - (4) Caucus Chairperson, David Crum

Minority Leader Paul David submitted the following report:

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

- (a) Minority Leader, Paul Davis
- (b) Assistant Minority Leader, Tom Burroughs
- (c) Minority Whip, Eber Phelps
- (d) Agenda Chairperson, Annie Tietze
- (e) Caucus Chairperson, Barbara Ballard
- (f) Policy Chairperson, Valdenia Winn

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

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

HOUSE PREORGANIZATIONAL MEETING RESOLUTION

A Resolution concerning seating of members of the House of Representatives during the 2011 regular session of the legislature.

Be it resolved by the Members-Elect of the House of Representatives:

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

Mr. Shultz declared the House adjourned until 2:00 p.m., Monday, January 10, 2011.

(Corrected)

Journal of the House

FIRST DAY

 $\label{eq:hall of the House of Representatives,} Hall of the House of Representatives, Topeka, Kansas, Monday, January 10, 2011, 2:00 p.m.$

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2011 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Kris Kobach, Secretary of State.

Prayer by Chaplain Eunice Brubaker:

God of our yesterdays, our today and our tomorrows, we praise You for another new year and for new opportunities. Thank You for the year behind us and for the year ahead. In this new session, help us to... fret less and laugh more, criticize less and encourage more, be less divisive and be more unified. We pray for understanding, peace and hope, and that we might spread these to others. Help us in this new session to depend on You and to do exactly what You want. In all the pomp and circumstance of the day, we pause to remember a colleague and friend who is no longer with us, Representative Jim Morrison. We also pause to remember those who lost loved ones in the meaningless tragedy in Arizona. Lord, with these events we are reminded that we need to redeem the time and make the most of every opportunity to do what is right and good in Your eyes. In Jesus' name I pray, Amen.

The Pledge of Allegiance was led by Rep. Vickrey.

Secretary of State Kris Kobach announced the appointment of Susan Kannarr as temporary Chief Clerk of the House.

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, Chris Biggs, Secretary of State of the State of Kansas, do hereby certify that Charlotte O'Hara, Overland Park, was appointed by the Governor effective January 10, 2011, to the Kansas House of Representatives, Twenty

Seventh District, to fill the vacancy created by the resignation of Ray Merrick.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 10th day of December, A.D. 2010.

Chris Biggs
Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, Chris Biggs, Secretary of State of the State of Kansas, do hereby certify that Rick Billinger, Goodland, was appointed by the Governor effective December 23, 2010, to the Kansas House of Representatives, One Hundred Twenty First District, to fill the vacancy created by the death of Jim Morrison.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 28th day of December, A.D. 2010.

Chris Biggs
Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, Chris Biggs, Secretary of State of the State of Kansas, do hereby certify that Brian A. Weber, Dodge City, was appointed by the Governor effective January 10, 2011, to the Kansas House of Representatives, One Hundred Nineteenth District, to fill the vacancy created by the resignation of Pat George.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 5th day of January, A.D. 2011.

Chris Biggs
Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings;

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that Jim Kelly, Independence, was appointed by the Governor effective January 10, 2011, to the Kansas House of Representatives, Twelfth District, to fill the vacancy created by the resignation of Jeff King.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 10^{th} day of January, A.D. 2011.

Kris W. Kobach Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings;

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that Ron Ryckman, Meade, was appointed by the Governor effective January 10, 2011, to the Kansas House of Representatives, One Hundred Fifteenth District, to fill the vacancy created by the resignation of Garrett Love.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 10th day of January, A.D. 2011.

Kris W. Kobach Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings;

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that Ramon Gonzalez, Jr., Perry, was appointed by the Governor effective January 10, 2011, to the Kansas House of Representatives, Forty Seventh District, to fill the vacancy created by the resignation of Lee Tafanelli

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 10^{th} day of January, A.D. 2011.

Kris W. Kobach Secretary of State

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

I, Chris Biggs, Secretary of State, do hereby certify that the following persons were elected members of the House of Representatives of the State of Kansas for a two-year term beginning on the second Monday of January, A.D. 2011.

In Testimony Whereof, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 6^{th} day of December, A.D. 2010.

Chris Biggs
Secretary of State

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

State of Kansas, County of Shawnee, ss:

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

District	District
1 st — Doug Gatewood	15 th — Arlen H. Siegfreid
2 nd — Robert "Bob" Grant	16 th — Amanda Grosserode
3 rd — Terry Calloway	17 th — Kelly Meigs
4 th — Caryn Tyson	18 th — John Rubin
5 th — Bill Feuerborn	19 th — Jim Denning
6 th — Jene Vickrey	20 th — Rob Bruchman
7 th — Richard J. Proehl	21st — Kay Wolf
8 th — Jerry D. Williams	22 nd — Greg A. Smith
9 th — Bill Otto	23 rd — Brett Hildabrand
10 th — TerriLois Gregory	24 th — Mike Slattery
11 th — Virgil Peck	25 th — Barbara Goolsbee Bollier
12 th — Jim Kelly	26 th — vacant
13 th — Forrest Knox	27 th —Charlotte O'Hara
14 th — Lance Kinzer	28 th — Pat Colloton

District	District
29 th — Sheryl L. Spalding	75 th — John C. Grange
30 th — Ron Worley	76 th — Peggy Mast
31 st — Stan S. Frownfelter	77 th — J. David Crum
32 nd — Louis E. Ruiz	78 th — Ed Trimmer
33 rd — Tom Burroughs	79 th — Kasha Kelley
34 th — Valdenia C. Winn	80 th — Vincent Wetta
35 th — Broderick T.Henderson	81st — Pete DeGraaf
36 th — Kathy Wolfe Moore	82 nd — Jim Howell
37 th — Michael J. (Mike) Peterson	83 rd — Jo Ann Pottorff
38 th — Anthony R. Brown	84 th — Gail Finney
39 th — Owen Donohoe	85 th — Steven Brunk
40 th — Melanie Meier	86 th — Judith Loganbill
41st — Jana Taylor Goodman	87 th — Joseph Scapa
42 nd — Connie O'Brien	88 th — Jim Ward
43 rd — S. Mike Kiegerl	89 th — Melody McCray-Miller
44 th — Barbara W. Ballard	90 th — Steve Huebert
45 th — Tom Sloan	91st — Brenda Landwehr
46 th — Paul Davis	92 nd — Nile Dillmore
47 th — Ramon Gonzalez, Jr.	93 rd — Daniel J. Kerschen
48 th — Marvin Kleeb	94 th — Joe McLeland
49 th — Scott Schwab	95 th — Benny Boman
50 th — Rocky Fund	96 th — Phil Hermanson
51 st — Mike Burgess	97 th — Leslie Osterman
52 nd — Lana Gordon	98th — Geraldine Flaharty
53 rd — Ann E. Mah	99 th — vacant
54 th — Joe Patton	100 th — Mario Goico
55 th — Annie Kuether	101 st — Joe Seiwert
56 th — Annie Tietze	102 nd — Janice L. Pauls
57 th — Sean Gatewood	103 rd — Ponka-We Victors
58 th — Harold Lane	104 th — Michael R. "Mike" O'Neal
59 th — William R. Prescott	105 th — Gene Suellentrop
60 th — Don Hill	106 th — Sharon Schwartz
61st — Richard Carlson	107 th — Elaine S. Bowers
62 nd — Randy Garber	108th — Steven C. Johnson
63 rd — Jerry Henry	109 th — Clay Aurand
64 th — Vern Swanson	110 th — Dan L. Collins
65 th — James P. Fawcett	111 th — Eber Phelps
66 th — Sydney Carlin	112 th — Bill Wolf
67 th — Susan Mosier	113 th — Bob Bethell
68 th — Tom J. Moxley	114 th — Mitch Holmes
69 th — Tom Arpke	115 th —Ron Ryckman
70 th — J. Robert (Bob) Brookens	116 th — Kyle D. Hoffman
71st — Charlie Roth	117 th — Larry Powell
72 nd — Marc Rhoades	118 th — Don Hineman
73 rd — Clark Shultz	119 th — Brian A Weber
74 th — Don Schroeder	120 th — Ward Cassidy
	•

District

121st — Rick Billinger

122nd — Gary K. Hayzlett

District

123rd — Reynaldo R. Mesa

124th — J. Stephen Alford

125th — Carl D. Holmes

Subscribed and sworn to, or affirmed, before me this 10th day of January, 2011

Lawton R. Nuss
Chief Justice of the Supreme Court

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

Secretary of State Kris Kobach requested Rep. O'Neal to approach the bar for the oath of office.

Speaker-elect O'Neal subscribed to the following oath of office, which was administered by Chief Justice Nuss.

State of Kansas, County of Shawnee,ss:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Speaker of the House of Representatives, so help me God. Subscribed and sworn to before me this 10th day of January, 2011.

Lawton R. Nuss Chief Justice of the Supreme Court

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

Thank you, Mr. Chief Justice. Elected Republican and Democrat House leaders, colleagues, staff and friends, it's once again a huge honor to be serving as your Speaker for the next term.

Two years ago on this day I addressed you on the silver anniversary of my service to my constituents and the people of the great State of Kansas. Today we are on the threshold of our state's 150th anniversary of statehood and occupy a historically restored Representative Hall that is 130 years old. Take a moment and consider, if you will, the over 5000 House members who have served in this body and in this very chamber. Imagine the issues, debates and historic votes taken here that have shaped our state's past and future. You are special indeed. Serve here with honor and humility.

100 years ago, on the first day of the 1911 Session, Speaker Buchman addressed the House. His address included these words:

"I feel that the Legislature of 1911 can be and will be one of the history-making Legislatures of this state. As I look into your faces, many of whom I know, I undertake to say that there is no legislature of any state in this Union that can show up a better line of men than I see before me now occupying these seats."

Needless to say, we've come a long way since the Session of 1911. The body I look out over today has been enriched by the presence of a high percentage of women Representatives, and Kansas is much the better for it. I am a better person thanks to my strong and beautiful wife, Cindy, the speaker of my House, and we as a House are blessed with bright and talented women who serve their constituents with distinction. Our men are blessed with strong, supportive and influential spouses who partner with them for the good of the state.

50 years ago, on the centennial of Kansas statehood, the House was addressed by another lawyer from Hutchinson. William L. "Bill" Mitchell, a man I admired greatly both as a public leader and as a fellow lawyer, addressed the House on the day Gov. John Anderson delivered his first legislative message. True to form for speakers past and present, Speaker Mitchell announced that "This will be the hardest-working Legislature in the 100-year history of Kansas, and you can depend upon it."

In reading an account of the opening day of that session, I was struck by the irony of the message given that day by Senate President Pro Tem Paul Wunsch who told the Senate:

"It has been regrettable that for the past 6 years there has not been a cooperative spirit between the executive and the Legislature so that our many problems could be so met and resolved."

The paper noted that, without mentioning names, he was apparently alluding to conflicts between the Republican-controlled Legislature and Democratic Governor George Docking and earlier between GOP Gov. Fred Hall and a split Republican Legislature. There is a certain ring of familiarity there

It's significant to note that the Legislature of 1961 did work hard and ended up passing, among other things, the ill-fated reapportionment of the Legislature, which was the subject of an historic amount of litigation, findings of unconstitutionality, a special session and claims of judicial activism. Few at the time could see the problem with having all 105 counties guaranteed a representative in the House with the remaining 20 distributed among counties having the greater population! As we approach the task of redistricting later this year, those of us living west of Highway 81 will no doubt long for the good old days!

As I said at the Inaugural festivities Saturday night, in looking to the days and weeks ahead I see a glass half full, not half empty. We have been burdened with yet another huge financial challenge. I have made no secret of my disappointment over how that challenge has been addressed the past two years. However, our constituents have handed us a huge opportunity to fundamentally change the way we approach the budget and the financial challenges we face. The message of November could not have been any clearer. Our constituents, the taxpayers of this state, are watching us and counting on us.

As I said to this body on this day two years ago, we must get a handle on

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

To that end, I'm excited to be working again with Sam Brownback, our new Governor. I believe we are due for a permanent reset of state government and I have endeavored to put together a team of committees and committee leaders to help him accomplish this.

I, too, am excited to be working with a huge class of incoming House members who are bright, talented and energetic about doing the People's work in the People's House. Welcome to the experience of a lifetime. You will make history here. You will make lifelong friendships here. You will learn and grow here and you and our great state will be better because of your service.

As I stated two years ago, we won't have the funds or resources to solve every problem or meet every request, but each of you does have the power to make a positive difference in the lives of those you serve and the work we do here with the resources we have and the policy we make with the resources we have will be truly historic. When our work here is done, if we can say we have been good stewards of our resources, we will have served our constituents well.

I'll close by sharing the final words of Speaker Buchman's address to the House in 1911. He said:

"I promise you, upon my part, that I will try to get measures through as rapidly as possible. I promise you that I will tread on your toes sometimes. You need not expect but what maybe you will find the gavel of the speaker coming down on you pretty hard, but it will come down on one and all without regard; you all look alike to me up here. I am a good ways off, and I have to wear glasses when I want to see right good, but I am not going to wear these glasses much, so that you will all look alike. Now, with your assistance, we can make this a success; without your assistance we cannot. I ask for that success."

Again, thank you for the honor of being your Speaker. I promise I'll wear my glasses, try not to step on toes, and will always have my door open and the coffee on. I look forward to serving with each and every one of you. To paraphrase former Speaker Mitchell, "This will be the hardest-working Legislature in the 150 year history of Kansas, and you can depend upon it".

God bless this House and the great State of Kansas.

Speaker O'Neal was presented with the gavel by Secretary of State Kris Kobach and assumed the chair.

Speaker O'Neal announced the appointment of Susan Kannarr as Chief

Clerk and Wayne Owen as Sergeant-at-Arms of the House of Representatives.

Nominations being in order for speaker pro tem, Rep. Burroughs nominated Rep. Jene Vickrey as Speaker pro tem of the House. There being no further nominations, Rep. Davis moved the nominations be closed, and that the temporary clerk be instructed to cast a unanimous ballot for Rep. Vickrey as Speaker pro tem of the House of Representatives. The motion prevailed.

Speaker O'Neal requested Rep. Vickrey to approach the bar for the oath of office.

Speaker pro tem-elect Vickrey subscribed to the following oath of office, which was administered by Chief Justice Nuss.

State of Kansas, County of Shawnee,ss:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Speaker pro tem of the House of Representatives, so help me God. Subscribed and sworn to before me this 10th day of January, 2011.

Lawton R. Nuss
Chief Justice of the Supreme Court

Speaker pro tem Vickrey addressed the following remarks to the members of the House:

Speaker O Neil, Majority Leader Siegfreid, Minority Leader Davis, fellow members of the Kansas House, and honored guests.

Most of us remember the hymn "Count your blessings". As Kansans, we all have many to count. My first is my wonderful wife, Teresa. We will celebrate our 30th wedding anniversary this July 28th. Together, we have four children. Jacob, is a Pittsburg State graduate who is married to Kori. They are the parents of Emma, our 1 ½ year old granddaughter. Our three youngest children are in school today and could not be with us. Jazzy is in high school and our twins, Josh and Johanna, are in 6th grade at Louisburg Middle School. I'm proud that my younger three children are all on the honor roll

Another blessing I count is being born a Kansan raised on a family farm in rural Miami County. On that family farm my World War II era parents Loma and Wendell lived the example they taught. They would often express memorable quotes to me: "always give an honest day's work for an honest day's dollar", "your word is your bond" and "any job worth doing is worth doing well." These are the values of the hardworking, honest Kansans we represent and they deserve our best effort when we debate and work on legislation to find real common sense solutions.

Finally, the blessing we all enjoy as members of this historic body. It is true as our new members will soon experience, that we are often the "raucous" house. However, we are the "Peoples House" and are responsive to those who we represent. Madison described the role of the House as having "an immediate dependence on, and intimate sympathy with, the people." By

design, the House is the voice of our constituents, the protector of liberty and freedom.

It is a great honor to serve as your Speaker Pro Tem. Together we will turn the challenges we face into opportunity.

May God continue to bless you and the great state of Kansas.

Speaker O'Neal asked for announcements from party caucuses:

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

- Majority Leader, Representative Arlen Siegfreid
- Assistant Majority Leader, Representative Peggy Mast
- Majority Whip, Representative Willie Prescott
- Caucus Chair, Representative David Crum

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

Thank you Mr. Speaker, Representative Vickrey, Representative Crum and thank you to the Republican Caucus for the opportunity to serve as your Majority Leader. This is an honor unlike anything I've ever experienced. I assure you my most dedicated effort in ensuring our shared and mutual success as we enter a pivotal phase in our state's history.

In November, Kansas voters made their voices heard loud and clear. They are tired of ignorant government. They are tired of unresponsive government. They are tired of irresponsible government. Kansans are demanding to be heard—and our majority is listening. Our single focus this term will be to act on the mandate to govern Kansas responsibly. We will do this with factbased, policy driven initiatives, not gamesmanship or theatrics. For these efforts—which are substantial—Kansas will be a better home for our constituents

As your Majority Leader I will work tirelessly with the rest of the Republican caucus and our leadership team to learn how we will best serve your needs. In addition, I hope you will utilize our capable leadership staff. Each worked to build the success we enjoyed in November, and are now here to help us sustain it. Together we will continually work to bring our caucus together. Our leadership is humbled, yet energized, by your trust. With that comes the responsibility to listen—and we will listen.

This chamber will not always agree, but we must always work to disagree without being disagreeable. Fair debates and final votes will resolve differences. Your ideas will always find fair treatment, and while we all have different opinion on the best means to a common end, I trust we all share the goal of making Kansas better through solid governance.

As I close, I would like to recognize and thank my wife Barbara for her support in becoming the Majority Leader. She is truly the better half of this marriage. I would also like to thank the residents of the 15th House District for electing me to represent them for another term. Finally to the House

Republican Caucus, thank you for trusting me with the opportunity to serve as your Majority Leader. It's truly an honor.

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

- Minority Leader, Representative Paul Davis
- Assistant Minority Leader, Representative Tom Burroughs
- Minority Whip, Representative Eber Phelps
- Agenda Chairperson, Representative Annie Tietze
- Caucus Chairperson, Representative Barbara Ballard
- Policy Chairperson, Representative Valdenia Winn

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

I first want to thank my colleagues in the House Democratic Caucus for allowing me to serve as their leader for the next two years. You know folks in this building frequently hear the House Democrats refer to themselves as a family, and let me tell you that word is a genuine description of this group. I am honored and humbled by the opportunity to be your leader.

My wife is with my today and I want to thank her for her unconditional love and support. It is not easy being married to someone in public service while at the same time having your own demanding career and being a mother. But she handles it every day with truly unbelievable grace.

I want to congratulate Representative O'Neal on his re-election as Speaker of the House, and I'd like to welcome the **35** new members of this body. I know that each of you will do your best to honor the legacy set forth by 150 years worth of Kansas pioneers, each determined to persevere over the challenges of the day.

Finally, I'd like to congratulate our new Governor. The job of governor is a difficult one and the challenges he faces are significant as he assumes a position that has only been occupied by 45 others in our state's history.

Today, we gather here in this historic building that it took our ancestors 37 years to construct. And as we embark on this 90-day journey that begins every second Monday in January and confront many of the same struggles time and time again, there is something hopeful and pure about Day 1. It is an opportunity for new beginnings and new possibilities. Each session is filled with its own unique set of speed bumps and detours, but yearly we get the chance to determine what path will lead us to the finish line. We rarely get there by the route we map out at the beginning, but one way or another we always end up at our final destination. And it is an exciting process to say the least.

Today also marks the last day in office of Governor Mark Parkinson. Almost one year ago to the day, Governor Parkinson stood in this chamber, as we faced perhaps even greater challenges than we face at this very moment, and issued a challenge that we should not forget:

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

Although this is a new era in Kansas- a new governor, a new administration, a new legislature- I believe that Mark Parkinson's challenge still echoes. Overcoming difficulties is at the core of what it means to be a Kansan. Sidestepping our obligations to the people we serve is not the legacy any of us wish to leave to our children as we take our oaths of office. We should not forget the words of Martin Luther King who said "The Time is always right to do what is right".

All of us have a desire to honor the heritage of those who have come before us, to face our problems head on, and to do what is necessary to protect the values that define us---values that have no partisan lines. While we each wear our label of being either a Democrat or Republican in this chamber, we must never forget that we are all Kansans first. Our shared hopes and dreams and those that we hold for our children do not bear party affiliations. Let us debate the issues with vigor, but do so with an understanding that we are all teammates.

This is a special year in our state's history. It is our sesquicentennial. For 150 years, each generation of Kansans have done their part to write the storied history of our state. They have built great schools and universities, endured a dust bowl and a depression, done their part to save the world from tyranny, taken risks to build businesses and so, so much more.

So now, the stewardship of this very special place is in our hands. Whether or not Kansas has a brighter tomorrow will be determined by the decisions that we make today. The Native Americans, the pioneers, the Free Staters and so many other Kansans didn't walk away from a challenge, and we must not either

Since statehood, millions of Americans have been able to call Kansas home. A few thousand have had the opportunity of serving in this Legislature. And here we are today, only 125 individuals, out of almost 3 million Kansans, that get to realize this very rare privilege.

So now let us do our part to ensure that the words of legendary Kansan William Allen White ring true. That "everyone expects to go further than his father went; everyone expects to be better than he was born and every generation has one big impulse in its heart-to exceed all the other generations of the past in all the things that make life worth living."

Ad astra per aspera. Thank you.

The roll was called with 122 members present. Rep. Aurand was excused on excused absence by the Speaker. The House is now organized with 123 members.

STANDING COMMITTEES OF THE HOUSE 2011 SESSION

Aging and Long-term Care: Bethell, Chairperson; Worley, Vice-Chairperson; Hill, Otto, Schwab, Vickrey, Weber, K. Wolf, Worley, *12th District Representative*.

Henderson, Ranking Minority Member; Flaharty, Wolfe Moore.

Agriculture and Natural Resources: Powell, Chairperson; Kerschen, Vice-Chairperson; Arpke, Bowers, Brookens, Collins, Fund, Hayzlett, Hildabrand, Hoffman, Moxley, O'Hara, Prescott, Tyson.
Williams, Ranking Minority Member; Grant, Peterson, Victors, Wetta, .

Appropriations: Rhoades, Chairperson; Kelley, Vice-Chairperson; Brown, Carlson, Crum, DeGraaf, Denning, Donohoe, Gordon, Kleeb, Mast, McLeland, Peck, Pottorff, Schwartz, Shultz, Suellentrop. Feuerborn, Ranking Minority Member; Ballard, Carlin, D. Gatewood, Henry, Lane.

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

Davis, Ranking Minority Member; Ballard.

Children and Families: Kiegerl, Chairperson; B.Wolf, Vice-Chairperson; Brunk, Gregory, Meigs, Roth, Rubin. S. Gatewood, Ranking Minority Member; McCray-Miller.

Commerce and Economic Development: Brown, Chairperson; Suellentrop, Vice-Chairperson; Billinger, Bruchman, Garber, Kerschen, Kleeb, Mesa, Osterman, Peck, Scapa, Schwab, Tyson, 99th District Representative Slattery, Ranking Minority Member; Finney, Frownfelter, Ruiz, Tietze.

Corrections and Juvenile Justice: Colloton, Chairperson; Kinzer, Vice-Chairperson; Brookens, Cassidy, Goodman, Moxley, Roth, Smith, K. Wolf, 12th District Representative.

McCray-Miller, Ranking Minority Member; Meier, Pauls.

Education: Aurand, Chairperson; Huebert, Vice-Chairperson; Billinger, Bollier, Calloway, Cassidy, Colloton, Goodman, Grosserode, Howell, *115th District Rep.* Osterman, Scapa, Spalding.

Ward, Ranking Minority Member; Loganbill, Phelps, Trimmer, Winn.

Elections: Schwab, Chairperson; Goico, Vice-Chairperson; Garber, Gregory, Meigs, O'Brien, Otto, Rubin, 47th District Representative, 26th District Representative.

Mah, Ranking Minority Member; McCray-Miller, Tietze.

Energy and Utilities: C. Holmes, Chairperson; Knox, Vice-Chairperson; Alford, Bruchman, Burgess, Hermanson, Hineman, Mesa, Proehl, Schroeder, Seiwert, Sloan, Smith, Swanson.

Kuether, Ranking Minority Member; Dillmore, Finney, Frownfelter, Slattery.

Federal and State Affairs: Brunk, Chairperson; Patton, Vice-Chairperson; Boman, Bowers, Carlson, Fund, Goico, Gregory, Grosserode, M. Holmes, Huebert, Kiegerl, Knox, O'Brien, O'Hara, Rubin, Seiwert. Loganbill, Ranking Minority Member; S. Gatewood, Henderson, Peterson, Victors, Wolfe Moore.

Financial Institutions: Knox, Chairperson; Proehl, Vice-Chairperson; Fawcett, Gregory, Hermanson, Mosier, O'Hara, Scapa, Shultz, *26th District Representative*.

Grant, Ranking Minority Member; Burroughs, Henderson.

Government Efficiency: Burgess, Chairperson; Fund, Vice-Chairperson; Degraaf, Grange, Hoffman, Howell, Johnson, Meigs, Roth, K. Wolf. Trimmer, Ranking Minority Member; Loganbill, Ruiz.

Health and Human Services: Landwehr, Chairperson; Donohoe, Vice-Chairperson; Alford, Bethell, Bollier, Calloway, Crum, Denning, Hermanson, Mast, Meigs, Mosier, Otto, Weber. Flaharty, Ranking Minority Member; Mah, Trimmer, Ward, Winn.

Insurance: Shultz, Chairperson; Hermanson, Vice-Chairperson; Billinger, Brown, Fawcett, Gregory, Mosier, O'Hara, Proehl, *26th District Representative*.

Grant, Ranking Minority Member; Burroughs, Davis.

Interstate Cooperation: O'Neal, Chairperson; Vickrey, Vice-Chairperson; Mast, Prescott, Siegfreid. Phelps, Ranking Minority Member; Tietze

Judiciary: Kinzer, Chairperson; Patton, Vice-Chairperson; Alford, Boman, Brookens, Bruchman, Collins, Colloton, M. Holmes, *115th District Representative*, Osterman, Rubin, Smith, Suellentrop, *12th District Representative*.

Pauls, Ranking Minority Member; Kuether, Meier, Tietze, Victors, Ward.

Local Government: Huebert, Chairperson; Seiwert, Vice-Chairperson; Billinger, Garber, Grosserode, Hildabrand, Hineman, Otto, Sloan, Worley. Mah, Ranking Minority Member; Carlin, Lane.

Pensions and Benefits: M. Holmes, Chairperson; Grange, Vice-Chairperson; Hill, Johnson, Roth, Worley, *12th District Representative*. Ruiz, Ranking Minority Member; Flaharty.

Rules and Journal: Shultz, Chairperson; Bruchman, Kinzer, Patton, Rubin. Pauls, Vice-Chairperson; Trimmer.

Taxation: Carlson, Chairperson; Kleeb, Vice-Chairperson; Brunk, Calloway, Denning, Donohoe, Goico, Hayzlett, 99th District Representative, Kelley, Powell, Prescott, Schroeder, Schwab, Schwartz, Tyson, Weber. Dillmore, Ranking Minority Member; Frownfelter, S. Gatewood, McCray-Miller, Phelps, Wolfe Moore.

Transportation; Hayzlett, Chairperson; Prescott, Vice-Chairperson; Arpke, Fawcett, Grange, Hildabrand, Hill, Pottorff, Proehl, Spalding, Swanson, B.Wolf, Worley.

Wetta, Ranking Minority Member; Grant, Henry, Phelps, Williams.

Veterans, Military & Homeland Security: Goico, Chairperson; O'Brien, Vice-Chairperson; Boman, Fawcett, Garber, Grange, M. Holmes, *99th District Representative*, Johnson, *26th District Representative*. Meier, Ranking Minority Member; Mah, Tietze.

Vision 2020: Sloan, Chairperson; Swanson, Vice-Chairperson; Bollier, Garber, Hildabrand, Hill, Hineman, Otto, Scapa, Worley. Finney, Ranking Minority Member; Henderson, Peterson.

BUDGET COMMITTEES

Agriculture & Natural Resources Budget: Schwartz, Chairperson; Schroeder, Vice-Chairperson; Collins, C. Holmes, Johnson, Powell, Sloan. Carlin, Ranking Minority Member; Lane.

Education Budget: Gordon, Chairperson; Aurand, Vice-Chairperson; Arpke, Cassidy, Landwehr, O'Brien, Spalding. Winn, Ranking Minority Member; Feuerborn.

General Government Budget: McLeland, Chairperson; DeGraaf, Vice-Chairperson; Hineman, Hoffman, Howell, 115th District Representative, 47th District Representative.

Burroughs, Ranking Minority Member; Dillmore.

Legislative Budget: Marc Rhoades, Chair; Kasha Kelley, Vice Chair; Mast, O'Neal. Vickrey.

Davis, Ranking Minority Member; Burroughs

Social Services Budget: Crum, Chairperson; Bowers, Vice-Chairperson; Goodman, Mast, Kiegerl, McLeland, B. Wolf. Henry, Ranking Minority Member; Ballard.

Transportation and Public Safety Budget: Peck, Chairperson; Pottorff, Vice-Chairperson; Bethell, Kerschen, Mesa, Moxley, *47th District Representative*.

D. Gatewood, Ranking Minority Member; Wetta.

COMMUNICATIONS FROM THE STATE OFFICERS

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2010 Regular Session of the Legislature:

From William M. Watson and Curtis L. Whitten, Co-Chairmen, Governor's Task Force on Racial Profiling, their final report and recommendations for the 2011 legislative session.

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, the 2010 Comprehensive Annual Financial Report, available at: http://www.kpers.org/annualreport2010.pdf

From Elizabeth B.A. Miller, Director of Investments, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2010.

From Keven Pellant, Acting Secretary, Kansas Department of Corrections, the Kansas Community Corrections Statewide Risk Reduction Initiative

From the Office of Governor Mark Parkinson:

Executive Order No. 10-04, establishing the Commission on Graduation and Dropout Prevention and Recovery.

Executive Order No. 10-05, establishing the Kansas Early Childhood Advisory Council.

Executive Order No. 10-06, establishing the Kansas Health Information Exchange, Inc.

Executive Order No. 10-07, continuing the moratorium on employee bonuses for fiscal year 2011.

Executive Order No. 10-08, establishing the Kansas Broadband Advisory Task Force.

Executive Order No. 10-09, establishing the Governor's Excellence Awards.

Executive Order No. 10-10, directing agency heads to increase coordination and collaboration to provide Kansans with disabilities optimum opportunity to be employed.

Executive Order No. 10-11, establishing the Kansas Food Security Task Force.

Executive Order No. 10-12, establishing protocol for flying the flag at half-staff.

Executive Order No. 10-13, establishing the Interagency Working Group for Wind Energy.

Executive Directive No. 10-410, Authorizing Personnel Transactions. Executive Directive No. 10-411, Authorizing Expenditure of Federal

Funds.

Executive Directive No. 10-412, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-413, Authorizing Expenditure of Federal Funds

Executive Directive No. 10-414, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-415, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-416, Authorizing Expenditure of Federal Funds.

Executive Directive No. 10-417, Authorizing Expenditure of Federal Funds.

Also, from Steve Six, Attorney General, Kansas Consumer Protection Division, Fiscal Year 2009, Annual Report.

From Steve Six, Attorney General, Kansas Consumer Protection Division, Fiscal Year 2010, Annual Report.

From Steve Irsik, Chair, Kansas Water Authority, 2011 Annual Report to the Governor and Legislature.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

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

HOUSE RESOLUTION No. HR 6001-

A RESOLUTION relating to the organization of the House of Representatives.

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

Michael O'Neal, speaker, Jene Vickrey, speaker pro tem, Arlen Siegfreid, majority leader, Paul Davis, minority leader, Susan Kannarr, chief clerk, Wayne Owen, sergeant at arms,

and awaits the pleasure of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfreid, HR 6002, by Reps. O'Neal and

Davis, as follows, was introduced and adopted: HOUSE RESOLUTION No. HR 6002—

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

Be it resolved by the House of Representatives of the State of Kansas: That the speaker be assigned seat No. 2; the speaker pro tem be assigned seat No. 1; the majority leader be assigned seat No. 3; the minority leader be assigned seat No. 4; and the remaining members of the house be assigned the following seats: Alford 117, Arpke 61, Aurand 116, Ballard 30, Bethell 121, Billinger 105, Bollier 27, Boman 82, Bowers 70, Brookens 84, Brown 113, Bruchman 100, Brunk 81, Burgess 125, Burroughs 5, Calloway 109, Carlin 35, Carlson 21, Cassidy 60, Collins 45, Colloton 80, Crum 37, DeGraaf 39, Denning 103, Dillmore 76, Donohoe 119, Fawcett 12, Feuerborn 15, Finney 52, Flaharty 75, Frownfelter 18, Fund 62, Garber 88, Gatewood, D. 55, Gatewood, S. 32, Goico 106, Goodman 89, Gordon 93, Grange 40, Grant 36, Gregory 98, Grosserode 78, Hayzlett 24, Henderson 73, Henry 6, Hermanson 99, Hildabrand 114, Hill 107, Hineman 63, Hoffman 65, Holmes, C. 118, Holmes, M. 19, Howell 38, Huebert 47, Johnson 23, Kelley 8, Kerschen 43, Kiegerl 97, Kinzer 9, Kleeb 104, Knox 123, Kuether 48, Landwehr 77, Lane 74, Loganbill 51, Mah 54, Mast 96, McCray-Miller 34, McLeland 92, Meier 29, Meigs 95, Mesa 111, Mosier 22, Moxley 26, O'Brien 87, O'Hara 120, Osterman 20, Otto 69, Patton 44, Pauls 17, Peck 110, Peterson 16, Phelps 31, Pottorff 67, Powell 11, Prescott 112, Proehl 59, Rhoades 7, Roth 68, Rubin 91, Ruiz 58, Scapa 46, Schroeder 72, Schwab 86, Schwartz 64, Seiwert 66, Shultz 10, Slattery 50, Sloan 115, Smith 124, Spalding 83, Suellentrop 101, Swanson 90, Tietze 14, Trimmer 13, Tyson 94, Victors 57, Ward 56, Weber 122, Wetta 53, Williams 33, Winn 28, Wolf, B. 85, Wolf, K. 108, Wolfe Moore 49, Worley 25, member from state representative district 12 seat 41, member from state representative district 26 seat 79, member from state representative district 47 seat 71, member from state representative district 99 seat 102, and member from state representative district 115 seat 42.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

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

HOUSE RESOLUTION No. HR 6003-

A RESOLUTION relating to the rules of the House of Representatives for the 2011-2012 biennium.

Be it resolved by the House of Representatives of the State of Kansas: That except as otherwise hereinafter provided, the rules of the House of Representatives for the 2009-2010 biennium in effect at the time of adjournment sine die of the 2010 regular session of the legislature shall constitute the temporary rules of the House of Representatives for the 2011

regular session until permanent rules are adopted; and

Be it further resolved: That Rule 1101 of the 2009-2010 biennium shall be replaced by the following Rule 1101 which shall constitute a temporary rule of the House of Representatives for the 2011 regular session until permanent rules are adopted:

Rule 1101. Standing Committees; Names and Members. (a) The standing committees of

the House shall be the following and have the number of members indicated for each:

1. Aging and Long-term Care	1 .
2. Agriculture and Natural Resources	19
3. Appropriations	23
4. Children and Families	9
5. Calendar and Printing	t
6. Commerce and Economic Development	19
7. Corrections and Juvenile Justice.	13
8. Education	19
9. Elections	13
10. Energy and Utilities	19
11. Federal and State Affairs	23
12. Financial Institutions	13
13. Government Efficiency	13
14. Health and Human Services.	19
15. Insurance	13
16. Interstate Cooperation	
17. Judiciary	2
18. Local Government.	13
19. Pensions and Benefits	9
20. Rules and Journal	
21. Taxation	23
22. Transportation	19
23. Veterans, Military and Homeland Security	13
24. Vision 2020	13

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

committees to the house standing committee on insurance and financial institutions for purposes of references in statutory or other documents.

Be it further resolved: That Rule 1105 of the 2009-2010 biennium shall be replaced by the following rule 1105 which shall constitute a temporary rules of the House of Representatives for the 2011 regular session until permanent rules are adopted.

Rule 1105. Budget Committees. (a) There is hereby created the following budget committees

of the committee on appropriations which shall have the number of members indicated for each:

- 1. Agriculture and natural resources budget committee
 9

 2. Education budget committee
 9

 3. General government budget committee
 9

 4. Legislative budget committee
 8

 5. Social services budget committee
 9

 6. Transportation and public safety budget committee
 9
- (b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson and vice chairperson of each budget committee. The Speaker may remove or replace at any time any budget committee chairperson, vice chairperson or any member of such committee appointed by the Speaker.
- (c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees are authorized to introduce bills or resolutions, except that budget committees are not authorized to introduce bills containing one or more items of appropriation. Except as otherwise provided in this rule, budget committees shall be deemed to be standing committees under the rules of the House of Representatives.
- (d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a et seg, and amendments thereto.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6004-

by Representatives O'Neal and Davis

A RESOLUTION adopting permanent rules of the House of Representatives for the 2011-2012 biennium.

Be it resolved by the House of Representatives of the State of Kansas: The following rules shall be permanent rules of the House of Representatives for

the 2011-2012 biennium.

RULES OF THE HOUSE OF REPRESENTATIVES 2011-2012

ARTICLE 1. HOUSE SESSIONS; GENERAL OPERATION

- **Rule 101. Time of Meeting.** The hour of meeting on the first day of each regular session shall be at 2:00 p.m., and on other days, shall be the hour set at adjournment on the previous legislative day except that if no hour of meeting is set at adjournment on the previous legislative day, the hour of meeting shall be 11:00 a.m.
- **Rule 102. Speaker Taking Chair.** The Speaker shall take the chair each day, at the hour to which the House has adjourned. The Speaker shall call the House to order and proceed to business in accordance with the Rules of the House
- **Rule 103. First Business.** The first business each legislative day shall be the taking of the roll, the taking of roll shall be followed by prayer and the prayer shall be followed by the recitation of the pledge of allegiance to the flag of the United States of America led by a member designated by the Speaker.
- **Rule 104. Order of Business.** (a) The regular order of business each legislative day, except on days and at times set apart for the consideration of special orders and except as provided by the joint rules of the House and Senate, shall be as follows:
 - (1) Introduction and reference of bills and concurrent resolutions.
 - (2) Reports of select committees.
 - (3) Receipt of messages from the Governor.
 - (4) Communications from state officers.
 - (5) Messages from the Senate.
- (6) Introduction and notice of original motions and house resolutions.
- (7) Consideration of motions and house resolutions offered on a previous day.
- (8) The unfinished business before the House at the time of adjournment on the previous

dav.

- (9) Consent calendar.
- (10) Final Action on bills and concurrent resolutions.
- (11) Bills under consideration to concur and nonconcur.
- (12) General Orders.
- (13) Reports of standing committees.
- (b) The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.
- **Rule 105. Members Excused from Attendance.** Members may be excused from attendance on any legislative day by the Speaker for the following reasons and such reasons shall be shown in the Journal: (1) Verified illness; (2) legislative business; and (3) excused absence by the Speaker.

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

ARTICLE 3. QUORUM

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

ARTICLE 5. CONDUCT IN THE HOUSE CHAMBER

Rule 501. Admission to Floor. (a) During daily sessions, from the time of

convening until adjournment to the following legislative day, only the following classes of persons shall be admitted to the floor of the House, the cloakrooms to the east of the house chamber and the hallway at the west of the house chamber: (1) Members of the Legislature; (2) officers and employees of the legislative branch who are properly identified; (3) persons having permits from the Speaker.

- (b) No person who is an officer or employee of the executive or judicial branch of Kansas government or an employee of the federal government shall be admitted to the area of the chamber on which legislators' desks are located during the time the House of Representatives is in session, except as provided by resolution, nor shall any such person be on the floor of the House chamber during a call of the House. No person, other than a member, shall lean on the railings on the floor of the House chamber next to the area of the chamber on which legislators' desks are located during any time the House is on final action.
- (c) No person registered with the Secretary of State as a lobbyist shall be on the floor of the House chamber 15 minutes before the time of convening the daily session until 15 minutes after adjournment to the following legislative day.
- (d) The sergeant at arms shall remove all persons from the floor, except persons authorized under the Rules of the House or a House resolution.
- (e) The provisions of this rule shall not be construed to prevent the right of access (through the west hallway) by persons going directly to or returning from the offices of the Speaker and the Majority Leader.
- **Rule 502. Food and Drink.** Members may have food or drink, or both, on their desks in the House chamber only when the member is present at the member's desk
- **Rule 503.** Galleries. Visitors shall be allowed in one or both galleries of the House in accordance with directions to the sergeant at arms from the Speaker. Except for security personnel authorized by the Speaker, the use of telephones and the making of telephone calls in the galleries of the House are prohibited.
- **Rule 504. Placing Material on Member's Desks.** No items or material shall be placed upon the desk of any member of the House unless any such item or material bears the signature and printed name of the member responsible for its distribution. This Rule 504 shall not apply to items or material provided by legislative staff.
- **Rule 505. Photographic Record of Vote.** No photographic or similar record shall be made of the vote of any member upon any measure upon which a division of the assembly has been called.
- Rule 506. Wireless Electronic Telecommunications Devices. Except for security personnel authorized by the Speaker, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in the House chamber is prohibited during any time the House is in session.

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

ARTICLE 7. INTRODUCTION OF BILLS AND RESOLUTIONS

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

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

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

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

ARTICLE 9. REFERENCE OF BILLS AND RESOLUTIONS

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

- (1) A standing committee,
- (2) a select committee,
- (3) the committee of the whole House,
- (4) two or more standing committees separately, or
- (5) two or more standing committees jointly.
- (b) On the day of introduction or the following legislative day, the Speaker shall refer each concurrent resolution:
- (1) In any way that a bill may be referred under subsection (a), if the concurrent resolution is a proposition to amend the Constitution of Kansas, to call a constitutional convention to amend or revise the Constitution of Kansas, to ratify an amendment to the Constitution of the United States, to apply for a United States constitutional convention, or to amend the joint rules of the House and Senate;
- (2) if the concurrent resolution is not one of those specified in subpart (1) of this subsection
- (b), it may be referred in any way that a bill may be referred under subsection (a), or the Speaker may authorize consideration thereof on the day of introduction under the order of business introduction and reference of bills

and concurrent resolutions.

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

ARTICLE 11. COMMITTEES; COMPOSITION

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

1. Aging and Long-term Care	13
Agriculture and Natural Resources	19
3. Appropriations	23
4. Children and Families	9
5. Calendar and Printing	6
6. Commerce and Economic Development	
7. Corrections and Juvenile Justice	13
8. Education.	19
9. Elections	13
10. Energy and Utilities	19
11. Federal and State Affairs.	23
12. Financial Institutions.	13

13. Government Efficiency	13
14. Health and Human Services	19
15. Insurance	13
16. Interstate Cooperation	7
17. Judiciary	
18. Local Government.	13
19. Pensions and Benefits	9
20. Rules and Journal	7
21. Taxation	23
22. Transportation	19
23. Veterans, Military and Homeland Security	
24. Vision 2020	

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

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

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

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

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

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

Agriculture and natural resources budget committee	9
2. Education budget committee	9

- 3. General government budget committee
 9

 4. Legislative budget committee
 8

 5. Social services budget committee
 9

 6. Transportation and public safety budget committee
 9
- (b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson and vice chairperson of each budget committee. The Speaker may remove or replace at any time any budget committee chairperson, vice chairperson or any member of such committee appointed by the Speaker.
- (c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees are authorized to introduce bills or resolutions, except that budget committees are not authorized to introduce bills containing one or more items of appropriation. Except as otherwise provided in this rule, budget committees shall be deemed to be standing committees under the rules of the House of Representatives.
- (d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a et seq., and amendments thereto.

ARTICLE 13. COMMITTEES; PROCEDURE

- **Rule 1301. Committee Meetings; Time and Place.** (a) When the Legislature is in session, standing committees shall meet at the times and place assigned by the Speaker on the call of the chairperson.
- (b) Also, when the Legislature is in session, a standing committee shall meet upon written request of three members of the committee. Such a request shall be submitted to the Speaker and the chairperson at least one legislative day before the requested time of meeting. The time and place of a meeting under this subsection (b) shall be set by the chairperson with the approval of the Speaker.
- Rule 1302. Notice and Agenda for Committee Meetings. The chairperson shall provide notice of meetings and an agenda or agenda information to committee members, the chief clerk and the public. The chief clerk shall include in the calendar such information as is practical.
- **Rule 1303. Duties of Committee Chairperson.** The principal duties of the chairperson of a standing committee are:
 - (a) To preside over meetings of the committee and to put all questions;
- (b) to maintain order and decide all questions of order subject to appeal to the committee;
 - (c) to supervise and direct staff of the committee;
- (d) to keep, or have the committee secretary keep, subject to the approval of the committee at a subsequent meeting, minutes of meetings which shall include:
 - (1) The time and place of each meeting of the committee;

- (2) the attendance of committee members; and
- (3) the names and city and state of residence of persons appearing before the committee and whom each represents;
- (e) to prepare and sign reports of the committee and submit them promptly to the chief clerk:
 - (f) to appoint subcommittees to perform duties on an informal basis; and
- (g) to inform the Speaker of any committee activity which caused any member of the committee to be absent during any recorded vote.
- Rule 1304. Introduction of Committee Bills and Resolutions. A committee may introduce bills and resolutions while the Legislature is in session respecting any matters referred to it. A standing committee may introduce bills and resolutions only within the general subject area assigned to the committee. No standing committee shall originate a bill which is substantially identical with any bill which has been referred to another standing committee, and which is under consideration by such committee.
- **Rule 1305. Quorum of a Committee.** A quorum shall be present at a meeting for a committee to act officially. A quorum of a committee is a majority of the members of the committee. A quorum of a committee may transact business and a majority of the quorum, even though it is a minority of the committee, may adopt a committee report.
- **Rule 1306. Voting in Committees.** (a) All final actions by a committee shall be taken at a called meeting while the Legislature is in session. The final action taken shall be recorded in the committee minutes. An individual member's vote may be recorded at the member's request.
- (b) The committee chairperson may vote but shall not be required to vote unless the committee is equally divided. If the chairperson's vote makes the division equal, the question shall be lost.
- (c) An action formally taken by a committee cannot be altered in the committee except by reconsideration and further formal action of the committee.
- (d) A motion to take from the table may be adopted by the affirmative vote of a majority of the members present at any called meeting of the committee.
- **Rule 1307. Procedure in General.** Committee procedure shall be informal, but where any questions arise thereon, the rules or practices of the House are applicable except that the right of a member to speak to any question shall not be subject to the limitations prescribed by Rule 1704. All motions in a committee shall require a second.
- Rule 1308. Committee Action on Bills and Resolutions. (a) A committee shall not take action to report a bill out of committee on the same day that the committee holds a hearing on the bill unless the committee approves such action by a two-thirds vote.
- (b) A committee may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the House. Committee reports shall be signed by the chairperson or other committee members authorized by the committee to make the report, and shall be transmitted to the House not later than the second legislative day following

the action of the committee.

- (c) All committee reports on bills and resolutions shall be recorded in the Journal.
- (d) If amendments are pending on a measure when referred to a committee, the amendments accompany the bill and the committee may recommend the adoption or rejection of the amendments already proposed and make further recommendations.
- Rule 1309. Motion to Withdraw a Bill or Resolution from a Committee. (a) If a committee does not report on any bill or resolution within 10 legislative days after its reference to the committee, the bill or resolution may be withdrawn from the committee by an affirmative vote of 70 members of the House. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.
- (b) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.
- (c) The provisions of subsections (a) and (b) of this rule shall not apply to resolutions adopting or amending rules of the House. Resolutions relating to the adoption or the amendment of rules of the House may be withdrawn from the Committee on Rules and Journal at any time by the affirmative vote of 63 members of the House.

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

ARTICLE 15. CALENDAR LOCATION OF BILLS AND RESOLUTIONS

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

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

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

- (b) Also, the order of a bill or resolution on General Orders may be changed by vote of a majority of all members then elected (or appointed) and qualified of the House on a motion made as provided in this subsection (b). Such a motion shall be made in writing, giving the reasons for the proposed change. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If such a motion fails, a motion to change the order on General Orders of such bill shall not be in order until the fifth legislative day following such failure.
- (c) Motions to change the order of a bill or resolution on General Orders are not subject to amendment or debate.
- (d) This Rule 1503 does not apply to the addition or removal of a bill or resolution from General Orders.

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

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

(b) When a bill or resolution has been separately referred and is adversely reported by the first committee of separate reference, a motion to add the

adversely reported bill or resolution to General Orders is not in order, but a motion to move the adversely reported bill or resolution to the next committee of separate reference may be made in the same manner as the motion in subsection (a).

- (c) Adoption of a motion under this Rule 1505 requires the affirmative vote of 70 members of the House.
- (d) If a motion under subsection (a) prevails, the words "Adversely Reported" shall be printed in a line below the title of the bill when it is listed on General Orders.

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

Rule 1507. Disposition of Bills Subject to Certain Deadlines. Any bill which is subject to a deadline for consideration under subsection (e) or subsection (f) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives and which remains on general orders at the close of business on such deadline day shall be considered as killed and shall be stricken from the calendar unless such bill is referred by the speaker to a committee before the close of business on such day. Any bill so referred shall be subject to all applicable deadlines under the Joint Rules of the Senate and House of Representatives.

ARTICLE 17. MEMBERS ADDRESSING THE HOUSE

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

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

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

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

- (b) No member shall speak more than twice on the same day to the same question without leave of the House, unless the member is the mover or is carrying the measure, in which case such member may open and close the debate and may respond to direct questions from other members addressed to them during the course of consideration of the measure. For the purposes of this subsection, an amendment to any measure shall be considered as a separate and independent question.
- (c) The privilege of a member carrying a measure to open and close the debate shall not be affected by any order for the previous question or that debate shall cease. Such member may occupy 20 minutes in closing the debate after the previous question is ordered and may divide that time with

other members.

- (d) While a member is carrying a measure, such member may yield to another member for explanation of the measure, or for personal explanation, or for a motion to adjourn without losing the privilege to carry the measure for the remainder of their time except that such member may not yield to any member who has already spoken twice on such question on the same day.
- (e) If any member, in speaking, violates the rules of the House, the chair shall call such member to order.

ARTICLE 19. COMMITTEE OF THE WHOLE

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

Rule 1902. Committee of the Whole; Normal Procedure. Bills and resolutions shall be considered in the Committee of the Whole as follows: If the standing committee has recommended that the bill or resolution be amended, the standing committee report shall first be considered, and if it is adopted, the bill as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, or if the committee has recommended no amendments, the bill, without committee amendments, shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. After a section has been once considered, no amendment thereto shall be in order until the whole bill shall have been considered section by section. After the original bill, together with standing committee amendments if any, has been considered section by section, the chairperson shall announce, "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion that when the committee arises it report a bill favorably, or report a bill favorably as amended, shall not be in order until all other motions have been disposed of, and such a motion shall not be offered as a substitute motion. A motion to strike the enacting clause is in order at any stage until the final vote is announced. The motion to strike the enacting clause may be debated upon the merit of the proposition, and shall not be subject to amendment or substitution. A roll call vote shall be taken upon a motion to strike the enacting clause.

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

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

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

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

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

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

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

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

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

ARTICLE 21. AMENDMENT OF BILLS AND RESOLUTIONS **Rule 2101. Germaneness.** Amendments to bills and resolutions shall be

germane to the subject of the bill or resolution. The principal test of whether an amendment is germane shall be its relationship to the subject of the bill or resolution, rather than to wording of the title thereof. The amendment, including any amendment from the floor to strike all of the substantive provisions of a bill or resolution and insert other provisions, must be relevant, appropriate, and have some relation to or involve the same subject as the bill or resolution to be amended. For the purposes of this rule the subject matter of any appropriation bill is the spending and appropriating of money and any amendment which changes the amount of money spent in any state agency or program is germane to any appropriation bill.

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

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

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

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

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

(1) A motion to strike out and insert words of less than a sentence shall be indivisible:

- (2) the distinct propositions shall be only in the form submitted in the motion to amend; and
- (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own.
- (b) Upon a request to divide a motion to amend a bill or resolution, the chairperson shall inquire as to whether there is a request for a ruling on germaneness of the motion to amend. If such a request is made, the issue of germaneness shall be determined prior to dividing the motion.

If no request for a ruling on germaneness of the motion to amend is made, the chairperson shall proceed to divide the motion to amend in accordance with this rule, and no subsequent request for a ruling on germaneness of any distinct proposition of the motion so divided shall be in order.

- (c) The chairperson, or any member, may request that the member requesting the division make the request in writing specifying the manner in which the motion to amend should be divided.
- (d) The chairperson may request that the member requesting the division and the chairperson or the vice-chairperson of the Committee on Rules and Journal recommend an appropriate division, but the final ruling on how to divide the motion to amend shall be that of the chairperson who shall announce the division to the body.
- (e) The division of the motion to amend shall be in accordance with the rules of the House and with items (1) to (3), inclusive, of subsection (a). The ruling of the chairperson on how to divide the motion to amend shall not be subject to appeal except that any member may appeal the ruling of the chairperson on the grounds that the division is not in accordance with a rule of the House including the provisions of items (1), (2) or (3) of subsection (a), or any combination thereof.

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

Rule 2107. Subject Change by Senate. (a) When the Senate adopts amendments to a House bill which materially changes its subject, upon return of such bill to the House, it shall be read as provided for the introduction of bills and be referred as provided in Rule 901.

(b) The Speaker may determine when a bill is subject to subsection (a).

Rule 2108. Motions to Strike Out and Insert. The rejection of a motion to amend a bill or resolution by striking out and inserting one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule 2109. Identical Motions. Except upon the unanimous consent of the House, an identical motion to amend a bill or resolution shall not be made a second time on the same legislative day.

ARTICLE 23. PROCEDURAL MOTIONS

Rule 2301. Order of Motions. When a question is under consideration, no motion shall be received except as specified under the

Rules of the House, which motions shall have precedence in the following order:

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

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

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

Rule 2304. Previous Question. The "previous question" shall be: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When voting on the previous question, the House decides that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution or other matter under consideration. When amendments are pending, a vote shall first be taken upon such amendments in

their order without further debate or amendment.

A majority vote of the members present shall order the previous question.

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

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

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

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

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

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

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

- (1) A motion to suspend the rules, and to declare an emergency and to advance a bill to the order of business Final Action, as contemplated in article 2, section 15 of the Constitution shall require an affirmative vote of 2/3 of the members present in the House.
- (2) A motion to suspend the rules and to permit amendment and debate of a bill under the order of business Final Action shall require an affirmative vote of 2/3 of the members present in the House.

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

ARTICLE 25. VOTING

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

Rule 2502. Procedure for Taking a Roll Call Vote. When a roll call vote is taken, the presiding officer shall state the question and instruct the members to proceed to vote. When sufficient time has been allowed the members to vote, the presiding officer shall inquire: "Has every member had an opportunity to vote?" After a short pause the presiding officer shall direct the chief clerk to close the roll. After the roll has been closed, when Rule 2505 applies, the presiding officer shall inquire: "Does any member desire to explain their vote?" and any member so desiring may give such explanation when recognized by the presiding officer. The presiding officer shall inquire: "Does any member desire to change their vote?" If any member does desire to change their vote, such member when recognized by the presiding officer, shall advise how they desire to change such vote and the presiding officer shall then instruct the chief clerk to make the appropriate change. A member who has not previously voted may vote at this time when permitted by the presiding officer. Such member shall advise how they wish to vote and the presiding officer shall then instruct the chief clerk to record such vote. After all members who desire to vote or to change their votes have had reasonable opportunity to do so, the presiding officer shall direct the chief clerk to record the vote, and when the vote is recorded the presiding officer shall announce the vote.

Rule 2503. Display of Recurring Totals. Under Rule 2502.

recurring totals shall be displayed only after the roll is closed. No recurring totals shall be displayed for a determination of the vote upon a division of the assembly.

- Rule 2504. Voting by Members. (a) A member may vote only when at their desk or at any place within the chamber of the House when authorized by the presiding officer, who shall direct the chief clerk to so vote for such member.
- (b) No member shall vote for another member. No person not a member shall cast a vote for a member, except as otherwise provided in the rules. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member shall be subject to Article 49 of these rules. If a person not a member votes or attempts to vote for any member, such person shall be barred from the floor of the House for the remainder of the session, and, in addition to penalties prescribed by law, may be punished further as the House determines.
- (c) The Speaker shall not be compelled to vote except in case of a tie.
- Rule 2505. Explaining Vote. Any member may, when a roll call vote is being taken on the passage or adoption of any bill or resolution, explain their vote. Such member shall be allowed not more than one minute for such explanation. Such explanation, if furnished in writing and signed, with printed name and district number, by such member by 4:00 p.m. upon the day the vote is taken or if the vote is taken subsequent to 3:30 p.m., within one-half hour after the adjournment of the House on that day, shall be entered in the Journal, provided it does not contain more than 100 words.
- Rule 2506. Copies of Voting Records. (a) Unless otherwise ordered, the chief clerk shall record each roll call vote and make copies available for the use of the news media. No record shall be made of the vote of any member voting upon any measure upon which a division of the assembly has been called.
- (b) When a roll call vote is taken, it shall be recorded in the Journal by a statement of the names and total number voting in the affirmative, the names and total number voting in the negative, names and total number indicating presence but not voting and the names and total number absent or not voting, except that the provisions of this section shall not permit a member to fail to vote in violation of Rule 2508.

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

(b) A roll call vote shall be taken for the adoption of any concurrent resolution to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate. A roll call vote is not required for adoption of concurrent resolutions pertaining to commendations or acknowledgments, unless required under subsection (e) of Rule 2507.

- (c) A roll call vote shall be taken for the adoption of any House resolution to adopt, amend or revoke any rule of the House or to reject any executive reorganization order.
- (d) A roll call vote shall be taken to concur in Senate amendments to any bill or concurrent resolution or to adopt any conference committee report other than a report agreeing to disagree.
- (e) A roll call vote shall be taken on any question on demand of 15 members, unless a roll call vote is already pending.

Rule 2508. Call of the House. (a) A call of the House shall be ordered on the demand of any 10 members at any stage of the voting previous to the announcing of the vote or, if the voting system is used, prior to recording the vote. This Rule 2508 shall apply to the taking of a vote upon the final passage of any bill or final adoption of any resolution whether under the order of business Final Action or under any order of business. Also, this Rule 2508 shall apply to the taking of a vote on a motion to strike the enacting clause of a bill and the resolving clause of a resolution and on a motion to strike all after the enacting clause or resolving clause, except when the House is in the Committee of the Whole. When the call of the House is once invoked, then all members present during the call, shall be required to vote before the call is raised. The call of the House shall not be raised (so long as 10 members continue the demand) until a reasonable effort has been exerted to secure absentees.

(b) Any member, who is directly interested in a question, may be excused from voting, when there is a call of the House. The member, who is requesting to be excused from voting, shall state the reasons therefor, occupying not more than five minutes. The question on excusing such member from voting shall be taken without debate and a 2/3 majority of members present shall be necessary to excuse such member. If a member refuses to vote, when not excused, such refusal shall constitute grounds for reprimand, censure or expulsion under Article 49 of the Rules of the House.

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

ARTICLE 27. FINAL ACTION

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

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

Rule 2703. Amendment and Debate, When. Upon motion as provided in subpart (2) of subsection (a) of Rule 2311 or when recommended

in the Committee of the Whole report which has been adopted by the House, bills or resolutions may be debated and amended on Final Action prior to the vote taken upon final passage or adoption. Each bill or concurrent resolution considered under this Rule 2703 shall be considered in the manner provided in Rule 1902 so far as it is applicable. A motion to strike the enacting clause or resolving clause shall be in order.

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

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

Rule 2706. Majority for Bill Passage. As provided in section 13 of article 2 of the Constitution of Kansas, a majority of the members then elected (or appointed) and qualified, voting in the affirmative, shall be necessary for the passage of a bill.

Rule 2707. Vote Required for Adoption of House Resolutions and Concurrent Resolutions. (a) A majority of the members then elected (or appointed) and qualified voting in the affirmative shall be necessary to adopt House resolutions and concurrent resolutions, except as otherwise specified in these rules.

(b) Adoption of concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall require a 2/3 majority of the members then elected (or appointed) and qualified, voting in the affirmative.

Rule 2708. Motion to Adopt Report of Conference Committee. The member carrying the report of a conference committee shall move that such report be adopted prior to yielding the floor to any other member and a motion to adopt a report of a conference committee shall not be offered as a substitute motion.

ARTICLE 29. RESOLUTIONS

Rule 2901. Resolving Clause; Form. (a) Concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to

ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall have a resolving clause which reads, "Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein."

- (b) Concurrent resolutions for any purpose other than subsection (a) shall have a resolving clause which reads, "Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein."
- (c) House resolutions shall have a resolving clause which reads, "Be it resolved by the House of Representatives of the State of Kansas."

Rule 2902. House Resolutions; Introduction and Consideration. (a) House resolutions, except for those changing rules of the House or approving or rejecting executive reorganization orders, shall lay over at least one legislative day before action is taken thereon and do not require a roll call vote unless required under subsection (e) of Rule 2507.

(b) House resolutions shall be considered under the order of business consideration of motions and House resolutions offered on a previous day, except House resolutions to (1) adopt, amend or revoke any rule of the House or (2) when the resolution has been referred to a standing committee and reported favorably. Resolutions under subparts (1) and (2) shall take a place on General Orders when favorably reported or when referred to the Committee of the Whole by the Speaker.

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

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

Rule 2904. Applications for Introduction of certain Resolutions; Committee on Calendar and Printing; Certificate of the House.

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

ARTICLE 33. MEMBER OFFICERS **Rule 3301. Elected Member Officers.** The Speaker and the

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

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

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

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

Rule 3304. Filling Certain Vacancies. (a) When a vacancy occurs in the office of Speaker and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the House of Representatives shall meet within 30 days and elect a member to fill the vacancy. The Speaker Pro Tem shall within 10 days of such occurrence issue a call for such meeting at a time not less than 10 days and not more than 20 days after the date of the call

- (b) When a vacancy occurs in the office of Speaker Pro Tem or Majority Leader of the House of Representatives, the Speaker shall appoint an acting Speaker Pro Tem or acting Majority Leader, to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original election or selection of such officer.
- (c) When a vacancy occurs in the office of Minority Leader of the House of Representatives and the Legislature is adjourned to a date less than 30 days after the occurrence of the vacancy, the Assistant Minority Leader shall become the acting Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of such officer. When a vacancy occurs in the office of the Minority Leader of the House and the Legislature is adjourned to a date 30 days or more after the occurrence of the vacancy, the Assistant Minority Leader shall within 10 days after such occurrence issue a call for a meeting of the members of the minority party at a time not less than 10 and not more than 20 days after the date of the call to be held in the state capitol for the purpose of filling the vacancy in the office of Minority Leader for the remainder of the term of office. From the time of the occurrence of such vacancy until the filling of the vacancy, the Assistant Minority Leader shall serve as acting Minority Leader and shall exercise the powers and duties of the Minority Leader.

When a vacancy occurs in the office of Assistant Minority Leader, the Minority Leader shall appoint an Assistant Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of

such officer.

(d) Any person elected, appointed or designated to fill a vacancy under this rule shall exercise all of the duties and powers prescribed for the office so filled.

ARTICLE 35. NONMEMBER OFFICERS

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

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

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

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

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

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

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

ARTICLE 37. AMENDMENT OF RULES OF THE HOUSE

Rule 3701. Adopting, Amending or Revoking Rules of the House. No rule of the House shall be adopted, amended or revoked except by

a House resolution which has been adopted by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

- Rule 3702. Resolutions for Rule Changes. (a) Notwithstanding any other rule of the House, the Speaker shall refer all resolutions which provide for the adoption, amendment or revocation of any House rule to the standing Committee on Rules and Journal before its consideration by the House.
- (b) No resolution relating to the rules of the House which has been referred to the standing Committee on Rules and Journal shall be tabled or reported adversely by such committee except by the unanimous vote of all members of such committee.
- **Rule 3703. Printing.** Resolutions to which this Article 37 apply shall be printed and are subject to subsection (c) of Rule 2507.
- **Rule 3704. Adoption of Resolutions.** Resolutions to which this Article 37 apply shall be subject to Rule 2902.

Rule 3705. Special Sponsorship of Rule Change Resolutions. Notwithstanding any provision of the rules of the House to the contrary, no referral to the standing Committee on Rules and Journal shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the House at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified, subject to the following conditions: (a) The resolution is sponsored by the Speaker or the standing Committee on Rules and Journal and (b) either (1) a copy thereof is mailed to each member by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (2) in lieu of mailing, copies of the resolution are made available to members on the first day of the legislative session and consideration under Rule 3704 occurs on the second legislative day.

ARTICLE 39. FORM AND PRINTING OF BILLS AND RESOLUTIONS

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

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

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

Rule 3904. Substitute Bills and Substitute Concurrent Resolutions. (a) When a substitute bill is recommended by a committee

report, and when an amendment from the floor is adopted replacing the bill under consideration with a substitute bill, the substitute bill shall be printed in the manner provided for bills introduced, and the bill number designation shall be substantially as follows:

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

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

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

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

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

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

Rule 3909. House Resolutions. Subject to Rule 3908, House resolutions shall not be printed, except resolutions to amend rules of the

House, to approve or disapprove executive reorganization orders or if the resolution has been referred to a committee, in which cases the resolution shall be printed.

ARTICLE 41. JOURNAL AND CALENDAR

Rule 4101. Journal; Preparation. The daily Journal of the House of Representatives shall be prepared by the chief clerk in accordance with the Rules of the House.

Rule 4102. Entering in Journal. When a bill, order, motion or resolution is entered in the Journal, the names of the members or legislative committee introducing or moving the same shall be entered.

Rule 4103. Resolutions in Journal. All House resolutions and all House concurrent resolutions shall be printed in the Journal when introduced.

Rule 4104. Messages from the Governor in Journal. All messages from the Governor and all executive reorganization orders shall be printed in the Journal.

Rule 4105. Calendar; Preparation. The House Calendar shall be prepared for each legislative day by the chief clerk in accordance with the Rules of the House.

Rule 4106. Status of Bills and Resolutions Shown in Calendar. The status of all House and Senate bills and concurrent resolutions and House resolutions shall be shown by number in the Calendar for each legislative day.

Rule 4107. Copies of Journals and Calendars. Each member shall be furnished with a printed copy of the daily Journal and the daily Calendar.

ARTICLE 43. MISCELLANEOUS

Rule 4301. Employees; Employment. Such employees as are necessary to enable the officers, members and committees to properly perform their duties and transact the business of the House with efficiency and economy shall be recruited under the supervision of the director of legislative administrative services subject to approval of the Speaker. The director of legislative administrative services shall keep a roster of the employees of the House and an account of the hours of service performed. No employee shall lobby for or against any measure pending in the Legislature and any employee violating this rule shall be discharged immediately.

Rule 4302. Special Order. Any matter may be made the special order for any particular time or day, but all requests and motions for special orders shall be referred to the Committee on Rules and Journal, which may designate particular times and days for such special orders and report to the House for its approval. Upon adoption of such report by 2/3 of the members present, the matters designated shall stand as special orders for the times stated, but no special order shall be made more than seven days in advance. This Rule 4302 shall not apply to executive reorganization orders or resolutions relating thereto.

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

Rule 4304. Petitions; Endorse Name. Each member presenting a petition or memorial shall endorse it with their name or the name of the

committee, and a brief statement of its subject.

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

ARTICLE 45. EXECUTIVE REORGANIZATION ORDERS

Rule 4501. Referral of Executive Reorganization Orders.

Whenever an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the Speaker.

Rule 4502. Committee Report on Executive Reorganization Orders. The committee to which an executive reorganization order is referred shall report its recommendations upon every executive reorganization order referred to it, in the form of a House resolution, not later than the 60th calendar day of any regular session, and not later than 30 calendar days after it has received such referral whichever of the foregoing occurs first.

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

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

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

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

ARTICLE 47. IMPEACHMENT

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

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

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

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

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

Rule 4706. Same; Procedure. The Speaker and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the House of Representatives.

ÅRTICLE 49. REPRIMAND, CENSURE OR EXPULSION OF MEMBERS

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

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

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

Rule 4903. Action by House. Upon receiving any report under Rule 4902, the House of Representatives may, without further hearing or

investigation, reprimand, censure or expel the member complained of. Reprimand, censure or expulsion of a member shall require a 2/3 majority vote of those members elected (or appointed) and qualified of the House of Representatives.

Speaker O'Neal announced the referral of **HR 6004** to Committee on Rules and Journal.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were introduced and read by title:

HB 2001, AN ACT concerning law enforcement; relating to the local law enforcement training reimbursement fund; amending K.S.A. 2010 Supp. 74-5620 and repealing the existing section, by Representative O'Neal.

HB 2002, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2010 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections, by Representatives Grant and D. Gatewood.

HB 2003, AN ACT designating a part of K-18 highway as the Medal of Honor recipient Donald K. Ross memorial highway, by Representative Bowers.

HB 2004, AN ACT concerning school districts; relating to certain pupils; amending K.S.A. 72-8303 and 72-8309 and K.S.A. 2010 Supp. 72-1046b and repealing the existing sections, by Representative Carlson.

HB 2005, AN ACT concerning school districts; relating to the base state aid per pupil; amending K.S.A. 2010 Supp. 72-6410 and repealing the existing section, by Representative Otto.

HB 2006, AN ACT concerning public postsecondary education; concerning residents for purposes of tuition and other fees; amending K.S.A. 2010 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2010 Supp. 76-731a, by Representatives Tyson, A. Brown, Brunk, DeGraaf, Donohoe, Goodman, Gregory, Amanda, Hildabrand, Hineman, Howell, Kinzer, Knox, McLeland, O'Brien, Osterman, Patton, Peck, Powell, Prescott, Rubin, Scapa, Seiwert and Vickrey.

HB 2007, AN ACT concerning abortion; amending K.S.A. 65-6701 and repealing the existing section, by Representative Huebert.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HOUSE CONCURRENT RESOLUTION NO. 5001—

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

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

In accordance with **HCR 5001**, Speaker O'Neal appointed Reps. Mast, Shultz and Trimmer to wait upon the Governor.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HOUSE CONCURRENT RESOLUTION No. 5002—

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

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 6:00 p.m. on January12, 2011, for the purpose of hearing the message of the Governor.

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

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

In accordance with **HCR 5002**, Speaker O'Neal appointed Reps. Mast, Shultz and Grant to escort the Governor; Reps. Bethell, Gordon and Mah to escort the Lieutenant Governor; Reps. Patton, Rhoades and Ward to escort the Supreme Court; and Reps. Huebert, Brunk and Kuether to escort the Senate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Siegfreid, **HCR 5003**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5003—

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2011-2012 biennium.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES 2011-2012

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

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

 Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions:

 (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

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

law or by the concurrent resolution calling such joint session.

- (b) <u>Presiding officer at joint sessions; record of joint session; rules applicable.</u> The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.
- (c) <u>Votes in joint session; taking; requirements.</u> All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.
- Joint rule 3. Conference committee procedure. (a) Action by house of origin of bill or concurrent resolution amended by other house. When a bill or concurrent resolution is returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.
- (b) Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur. The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.
- (c) <u>Motion to nonconcur</u>; <u>when considered final action</u>; <u>effect of adoption of motion</u>. A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled

with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

- (d) House of origin refusal to concur or nonconcur; request for conference; procedure. When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.
- (e) Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee. Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.
- (f) Conference committee reports; subject matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business. Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not be subject to amendment. The original signed

conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of 2/3 of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

- (g) Signatures required on conference committee reports. All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house. If a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is not adopted, a subsequent conference committee report shall be signed by all conferees unless a subsequent conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed is adopted, in which case a conference committee report subsequent to the adoption of such report shall be signed by a majority of the conferees appointed in each house. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.
- (h) <u>Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.</u> The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

- (i) Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee. If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.
- (j) <u>Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.</u> Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

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

- (a) <u>Bill request deadline for individual members</u>. Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 31, 2011, during the 2011 regular session and on January 30, 2012, during the 2012 regular session.
- (b) <u>Bill introduction deadline for individual members</u>. Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 9, 2011, during the 2011 regular session and on February 8, 2012, during the 2012 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.
- (c) <u>Bill request deadline for certain committees</u>. Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 7, 2011, during the 2011 regular session and on February 6, 2012, during the 2012 regular session.

- (d) <u>Bill introduction deadline for certain committees.</u> Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 11, 2011, during the 2011 regular session and on February 10, 2012, during the 2012 regular session.
- (e) <u>House of origin bill consideration deadline</u>. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 25, 2011, during the 2011 regular session and on February 24, 2012, during the 2012 regular session.
- (f) Second house bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such bill, after the hour of adjournment on March 18, 2011, during the 2011 regular session and March 16, 2012, during the 2012 regular session.
- (g) Exceptions to limitation of (d), (e) and (f); procedure. Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.
- (h) <u>Deadline which falls on day neither house in session; effect.</u> In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.
- (i) <u>Bills introduced in odd-numbered years after deadlines; effect.</u>
 Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.
- (j) <u>Modification of schedule of deadlines for introduction and consideration of bills; procedure.</u> In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule

to the contrary.

(k) Bill consideration deadline; exceptions. No bills shall be considered by the Legislature after April 2, 2011, during the 2011 regular session and after March 31, 2012, during the 2012 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered. Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were referred to Committees as indicated:

Corrections and Juvenile Justice: HB 2001.

Education: HB 2004, HB 2005.

Federal and State Affairs: HB 2002, HB 2006, HB 2007.

Rules and Journal: **HR 6004.** Transportation: **HB 2003.**

INTRODUCTION OF GUESTS

Speaker O'Neal introduced Dr. Jen Brull, President of the Kansas Academy of Family Physicians. Dr. Brull is a solo family physician at Prairie Star Family Practice in Plainville. She received her medical degree from the University of Kansas School of Medicine in 1998. Dr. Brull earned her two undergraduate degrees (chemistry and biology) at the University of Kansas in 1994 and completed her family medicine residency at Family medicine Residency of Topeka, serving as chief resident in 2001. she lives in Plainville with her husband, Chris. They have three children – Jacob, Paul and Maggie. In addition to serving as the 2010-11 president of the KAFP, Dr. Brull is active at the national level, serving on the American Academy of Family Physicians' Commission on Membership and Member services.

The association sponsors the doctor of the day program and provides daily assistance for health concerns of those serving the Statehouse during the session. We appreciate this program and your efforts. Thank you again for providing this service.

MESSAGE FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2011 Senate and selection of the following officers:

Steve Morris, President John Vratil, Vice President Jay Scott Emler, Majority Leader Anthony Hensley, Minority Leader Pat Saville, Secretary Jody Kirkwood, Sergeant-at-Arms,

and awaits the pleasure of the House of Representatives.

On motion of Rep. Siegfreid the House adjourned until 11:00 a.m., Tuesday, January $11,\,2011$.

Journal of the House

SECOND DAY

Hall of the House of Representatives, Topeka, Kansas, Tuesday, January 11, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair. The roll was called with 120 members present.

Reps. Aurand, Peterson and Ruiz were excused on excused absence by the Speaker.

Speaker O'Neal welcomed and reappointed the Rev. Eunice Brubaker, executive associate pastor, Fairlawn Church of the Nazarene, Topeka, as chaplain for the 2011-12 sessions.

Prayer by Chaplain Brubaker:

Our Heavenly Father,

The fanfare and pageantry of inauguration is over, Now is the time to put action behind our words of promise.

For the returning representatives,

refresh their vision and passion and motives.

For our freshmen representatives,

may their excitement, determination, and ideologies be contagious.

For Representatives Calloway, Tyson, Gregory, Kelly,

Grosserode, Meigs, Rubin and Denning,

I pray for wisdom, direction and patience.

For Representatives Bruchman, Smith, Hildabrand,

O'Hara, Goodman, Gonzalez and Garber,

I pray for strength, courage and determination.

For Representatives Fawcett, Mosier, Arpke.

Howell, Scapa, Boman and Osterman,

I pray for communication, collaboration and clarity.

For Representatives Johnson, Collins, Ryckman, Hoffman and Weber,

I pray for understanding, sensitivity and compassion.

And for Representatives Cassidy, Billinger, Mesa and Alford,

I pray for faith and tenacity with gentleness.

For all these wonderful leaders who are willing to be used by you

to make the tough decisions for our state,

I pray that they begin each and every day

seeking Your will and Your way for all Kansans.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Powell.

COMMUNICATIONS FROM THE STATE OFFICERS

From Doug Louis, Director, Conservation Division, Kansas Corporation Commission, Abandoned Oil & Gas Well / Remediation Site Status Reports, January 10, 2011.

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

MESSAGES FROM THE SENATE

Announcing adoption of HCR 5001, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2011 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Senators Kelsey and Faust-Goudeau as Senate members of the committee to wait upon the Governor.

Also, announcing adoption of HCR 5002, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

The Senate announces the appointment of Senators McGinn and Lee to escort the Governor and Senators Petersen and Haley to escort the Lt. Governor. Also, Senators Owens and Holland to escort the Supreme Court.

On motion of Rep. Siegfreid the House adjourned until 11:00 a.m., Wednesday, January 12, 2011.

Journal of the House

THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KANSAS, Wednesday, January 12, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

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

Prayer by Chaplain Brubaker:

Dear Lord,

You have blanketed our state with clean white snow, which seems to clear out the impurities. It is like nature is getting a new start and it won't be long before new life begins. With this new Congress, our slate has been cleared, and we, too, have a chance of a new genesis. May we not cling to the past, but build upon it. May we look to the future with anticipation and hope. Again, we thank you for our new representatives with new dreams, ideas and beliefs like Representatives Wolfe-Moore and Victors. I pray that they – and the others – will know when to listen, when to speak; when to hold on, when to let go; when to be strong, when to back off. I pray that Your Spirit will come down upon these leaders with wisdom, power, strength, and compassion. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

OATH OF OFFICE

State of Kansas, County of Shawnee, ss:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the

duties of the Office of Representative of the State of Kansas, One Hundred Ninth District.

So help me God.

Signed: CLAY AURAND

Subscribed and sworn to before me this 12th day of January, 2011.

Kris W. Kobach Secretary of State

On motion of Rep. Siegfreid, the House recessed until 6:00 p.m.

EVENING SESSION

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

It being the hour in accordance with HCR 5002 to meet in joint session with the Senate to hear the message of the Governor, Reps. Huebert, Brunk and Kuether escorted members of the Senate to seats in the House.

Reps. Patton, Rhoades and Ward and Senators Owens and Holland escorted the Supreme Court to seats in the House.

Reps. Bethell, Gordon and Mah and Senators Petersen and Haley escorted the Lieutenant Governor to a seat in the House.

Reps. Mast, Shultz and Grant and Senators McGinn and Lee escorted the Governor to the rostrum.

GOVERNOR SAM BROWNBACK'S COMPLETE TEXT OF THE STATE OF THE STATE January 12, 2011

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

I understand that my predecessor gave this speech last year without notes. Well...not only am I using notes, I'm using a teleprompter! But I've got some good things to say, so I want to make sure I get it right.

I love Kansas! There truly is no place like home. This is our 150th anniversary, an appropriate time to reflect on our past and look toward our future.

The first generation of Kansans pledged their lives and destinies to forge a Kansas of freedom in the midst of the blood and fire of war. Against immeasurable odds, they succeeded and God blessed this State with generations of men and women who had the courage to build a Kansas of

humanity and hope.

These Kansans had a long view of our state's future. They understood that the heritage of our state and the judgment of history would rest not on the harvest reaped in their time, but rather on the seeds sown for all time. Courage, humanity and hope – in good times and bad, these bedrock characteristics of Kansans have stood the test of time.

It is this heritage and legacy that prepares us for the challenges that Kansas faces today. To Kansans who are out-of-work, underemployed or fearful of losing your jobs; to Kansans looking to leave our state to find opportunity so your families may thrive; to Kansas children who live in poverty and despair, please know that the courage, humanity and hope of Kansas are not lost. They will never be lost. Today's challenges will be met and overcome; they will be met and overcome because, like those Kansans before us, we will remain strong, focused and steadfast.

This Administration will tackle the daunting challenges facing our state through four significant and distinct initiatives, including Growing the Kansas Economy, Excelling in Education, Reforming State Government and Protecting Kansas Families. In these initiatives we not only pledge to lift Kansas out of its economic morass, but we also commit to assess, monitor and publish that progress as it is made.

Growing the Kansas Economy

Growing the Kansas economy is my first priority. We must take bold steps today to create economic growth tomorrow. In saying this, however, let me be clear; we cannot government-program or borrow our way into a stronger state economy. We cannot hope for the best and paper over the worst.

Kansas will emerge stronger economically through hard work, practical ingenuity and removing government impediments to both rural and urban private-sector growth. In the coming days, I will be proposing an integrated, strategic plan to spur the Kansas economy. This plan will create the framework for more private sector – not government – jobs; put more earnings in the pockets of average Kansans; and help to raise out of poverty many of our families and children who now despair.

My plan to create jobs will be paid for by eliminating corporate tax subsidies enjoyed by only a few. These reforms include:

- Enhanced Expensing: Allowing Kansas business to immediately deduct a higher percentage of the cost of an investment.
- Rural Opportunity Zones, or ROZes, will provide a state income tax waiver for any individual relocating from out-of-state into any participating county that has experienced double digit percentage population decline the last ten years.

Additionally, other items critical to my plan will include:

- A three-year, \$105M University Economic Growth initiative to enhance job growth in key economic sectors such as Aviation, Cancer Research, Animal Health, and Engineering. Each university will be required to provide through private sector or reprogrammed funds 50% of the cost of the program initiative.
- Creation of the Governor's Economic Council: Chaired by myself, this council will consist of some of our state's most successful men and women who are leaders in the private sector. The Council will assure strategy integration, coordination and accountability across all of the state's economic development agencies and initiatives.
- Full funding of Wichita Fair Fares to underpin this critical economic growth initiative in south-central Kansas.

I also intend to work with the Legislature, stakeholders, and the people of Kansas to take advantage of growth in our state's industries of emerging opportunity:

- We will build the expansion of the Holcomb power plant. Affordable energy and electricity exports will help underpin Kansas' 21st Century economy.
- We will expand and start new wind energy projects in the state. If we do this right, we will see the development of a renewable energy corridor between Wichita and Salina that will provide jobs for rural Kansas and clean energy for the world. I want Kansas to be known as the not only as the Wheat state but as the Renewable State.
- We will update our telecommunications policy to facilitate greater investments in broadband and wireless deployment.
- We will grow the animal ag sector, facilitating greater investments in livestock production and dairy.
- We will share with the world the serene beauty of the Flint Hills and our undisturbed tallgrass prairie land. Increased tourism to our pristine environmental treasures will benefit our rural communities, the state, and anyone who chooses to spend their precious vacation days in their peaceful expanse.

And for all of this to work, we need a tax code that encourages investment, income growth, and job creation. I pledge to work with the Legislature on resetting our tax code, particularly with an eye toward lowering income tax

rates.

In general, my Administration's first priority will be creating jobs that provide more income and opportunity for Kansas families. When my cabinet meets, I will ask, "What are we doing today to help create jobs in our state?"

Excelling in Education

Educating children is to the state government as national defense is to the federal government: it is the state's primary function and the lion's share of the state's budget. And that is as it should be.

Great educations grow great futures. Yet our public universities have suffered severe cuts and stagnant rankings at a time when the Kansas economy needs better educated students and ascending institutions. A crisis of learning exists for many Kansas children failing to acquire the basic reading skills they need to succeed in school and the workplace. The situation is especially dire for our children who are economically disadvantaged.

The budget I am submitting to this Legislature for its consideration will provide school districts with more overall state funding and will also stabilize state support for higher education for the first time since the Great Recession began.

Since state money will be tight and federal funds declining for the foreseeable future, we need to make sure we target our funding in the right places to give children the foundation they need for success. This is why I am proposing we dedicate \$6 million this year from the Children's Initiative Fund to the development of early childhood education centers in our most needy school districts. I look forward to meeting with the Children's Cabinet to focus more funding on early childhood reading.

No child should pass the 4th grade without being able to read. If a child cannot read, her world closes in. If she can read, her world expands.

Before leaving the critical topic of education, let me briefly touch on the issue of what our Kansas constitution means when it speaks to the need of providing a "suitable" education for our children. For years, we have faced repeated legal action against the state because no one knows what a "suitable" education actually means. I invite this Legislature to define suitability and end the confusion. This will provide us with a definition of what we need to undertake reform of our school finance formula and provide our school districts with stable, sustainable funding for the future. Let the Legislature resolve school finance... not the courts, so we can send more money to the classroom, not the courtroom.

Reforming State Government

The days of ever expanding government are over – and under my administration, they will not return. The future demands of us a commitment

to deliver core services in innovative and more efficient ways. We will do that, beginning with a structural lowering of the job positions in state government. In my FY2012 budget recommendations, I have eliminated over 2,000 unfilled employee positions.

Yes, the days of ever expanding government are over. In the next few days, I will submit a series of Executive Orders and Executive Reorganization Orders designed to reduce the total number of state-related entities through targeted realignment, combination and sunsetting. This will include eliminating eight state agencies. These reductions will not be easy; but these reductions are necessary. In the aggregate, these changes not only will save Kansas taxpayers millions of dollars each year, they will help us form a more nimble, responsive and forward-looking state government.

In order to assure that reform continues, I have established an Office of the Repealer, and I have appointed Dennis Taylor, my Secretary of Administration, to be the Repealer. His job will be to work closely with my Administration, the Legislature, and the public to identify regulations or statutes for repeal that are costly, outdated and ineffective.

The days of ever expanding government are over. My proposed total state spending for the next fiscal year will be more than three quarters of a billion dollars lower than this year. This will be the first time that the total or all-funds state budget has been cut since 1972.

On the first day of this fiscal year, Kansas State government had exactly \$876.05 in the bank.

Since that time, a sluggish economy has pushed our current year budget into deficit and left many costs unaccounted for. My Administration is proposing a spending freeze bill which will close that gap immediately and bank more than 35 million taxpayer dollars.

I ask the Legislature to have this bill on my desk for signature before the end of the month.

The days of ever expanding government are over.

Protecting Kansas Families

But Kansans are can-do people. We take care of each other, even when circumstances are difficult, as they surely are now. We help those in their time of need; we protect those who cannot protect themselves. Joining us tonight is Sergeant 1st Class David Edington. He exemplifies what it means to live this calling in a difficult situation. While performing his daily duties in Iraq in 2007, Sergeant Edington was wounded in a surprise mortar attack on his position. Without regard for his own safety, he ordered his troops to take cover and began scouring the area for the wounded. He discovered that

one of his soldiers had sustained a wound to her leg, and even though he was

injured, he applied first aid and successfully slowed her blood loss and saved her life. Sergeant Edington descends from a long tradition of Kansans who sacrifice themselves for others, and tonight we salute their service and his.

Yes, we help those in their time of need. And many of our state's families are being tested in ways wholly unimaginable in previous generations. Because of this, the people of Kansas have created a myriad of services designed to sustain the parents, children, families and disabled citizens who live on the margin or in poverty. It is altogether fitting and proper that we have done so. The bulk of total expanded state funding for FY2012 relates to the increased cost of caseloads in SRS and Medicaid and the federally mandated increase in the state's share of funding for these programs.

Quality, affordable, patient-centered healthcare is a priority for all Kansans. Next year, Medicaid will command over 18% of the state general fund, and the program is growing faster than the economy. Additional commitments required of us by Washington have set us on a path of unsustainable spending and lower-quality care. Rather than receiving dictation from Washington, I pledge to fight for Kansas solutions for Kansas healthcare needs.

Under the leadership of Lieutenant Governor Doctor Jeff Colyer, our Administration will begin this month a collaborative effort to remake Medicaid and improve healthcare. If we are going to keep our promises, quality must be improved for the patient. And for the taxpayer, costs must be controlled. If and only if we do this, will we protect Kansas' families and help those in their time of need.

Let us also ensure that KPERS is made sound so that those promises are kept. Currently, under the most favorable set of estimates, the system has an unfunded actuarial liability of nearly \$8 billion. Some private auditors suggest that KPERS is the second worst funded public pension system in the country. I encourage the Legislature to work to ensure the integrity and soundness of the system for decades to come.

Successive generations of Kansans have been charitable people. Over the years, doctors and dentists in our state have provided free services to thousands of needy Kansans, and this is the sort of community action that our laws should encourage. Unfortunately, medical professionals who provide this free care are subject to malpractice lawsuits for the free care they provide. I call on the Legislature to address and change this, and also to allow incoming governors to use funds raised from their inaugural galas on charity, not Cedar Crest.

This is our calling: to help those in their time of need, including and especially those who are the most vulnerable. I call on the legislature to bring

to my desk legislation that protects the unborn, establishing a culture of life in Kansas. We must support the dignity of every human being whether that person is unemployed, undereducated, or unborn.

Judgment

Few, if any, of us in this chamber tonight will merit mention in the long judgment of Kansas history, but let each of us do what we can to improve the lives of Kansans today and those to come tomorrow.

My Administration will put forth five measurable, significant goals that cumulatively will help push our great state forward into better times with courage, humanity, and hope. They are:

- · Increase in net personal income
- · Increase in private sector employment
- Increase in the percentage of 4th graders reading at grade level
- Increase in the percentage of high school graduates who are college or career ready
- Decrease in the percentage of Kansas' children who live in poverty

We are certainly subject to global currents largely out of our control, but we are not rudderless. I believe these goals to be significant and achievable; successfully reaching them will change countless lives for the better and make the future of Kansas brighter.

The State of our State

Through war, strife and economic chaos, through doubt and trepidation, the people of Kansas have borne our state to greatness. Each generation of Kansans and the successive waves of immigrants who moved here have maintained the rugged courage to meet every challenge and overcome seemingly insurmountable obstacles with humanity and optimism. This is our legacy, our heritage and profound gift from those who have come before us and led us to this day.

Mr. Speaker - Mr. President – Leaders of Kansas – The state of our character is strong.

It is strong because since 1861, generations of Kansans and waves of immigrants have had the courage, humanity and hope to make it so. God's abundant grace has favored us. By His continued grace, the good character of the people of Kansas and the greatness of Kansas will grow.

Thank you. May God bless Kansas and these United States.

On motion of Rep. Siegfreid the House adjourned until 11:00 a.m., Thursday, January $13,\,2011$.

Journal of the House

FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, January 13, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

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

Prayer by Chaplain Brubaker:

Our Heavenly Father,
My prayer today is that these leaders will be
leaders who are understanding;
leaders who will encourage one another;
leaders who will keep learning;
leaders who will dare to blaze a new trail;
leaders who recognize their authority is earned, not granted;
leaders who can identify their gifts, strengths, and limitations;
leaders who will listen and learn;
leaders who have a servant's heart —
just as You have modeled.
In Jesus' Name, I pray.
Amen.

The Pledge of Allegiance was led by Rep. Carlson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2008, AN ACT concerning crimes and punishment; relating to identity theft; amending Section 177 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, by Representative Kinzer.

HB 2009, AN ACT concerning crimes, criminal procedure and punishment; relating to home improvement fraud, by Representative Kinzer.

HB 2010, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, by Representative Kinzer.

MESSAGE FROM THE GOVERNOR

December 28, 2010

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-418 for your information.

EXECUTIVE DIRECTIVE NO. 10-418 Authorizing Expenditure of Federal Funds

Mark Parkinson

Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Jim Garner, Secretary, Kansas Department of Labor, Unemployment Insurance modernization Project, Progress Report, December 15, 2010.

From Tod M. Bunting, Major General, Kansas National Guard, The Adjutant General, Annual Report 2010.

From Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy, pursuant to K.S.A. 65-4102(b), Report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion, January 10, 2011.

From Mark Parkinson, Governor, pursuant to K.S.A. 22-3703, reporting pardons granted for 2010 of Orvel Baldridge, John Manning and Frederick Johnson.

From Lucy Mills, Coordinator, Abuse, Neglect & Exploitation Unit, Office of Kansas Attorney General Steve Six, pursuant to K.S.A. 75-723, Annual Report to the legislature, July 1, 2009 to June 30, 2010. The report will be available at www.ksag.org.

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

REPORT OF STANDING COMMITTEE

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

Request No. 1, by Representative Howell, congratulating Nettie Carpenter on her 100th birthday;

Request No. 2, by Representative Pottorff, congratulating Clare Vanderpool, on winning the 2011 Newbery Award;

Request No. 3, by Representative Carlin, congratulating Jamey Alan

White, on being awarded the Eagle Scout Award;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2011**, AN ACT concerning taxation; relating to tax credits for certain contributions to community colleges, technical colleges and postsecondary educational institutions; amending K.S.A. 2010 Supp. 79-32,261 and repealing the existing section, by Committee on Legislative Educational Planning Committee.
- **HB 2012**, AN ACT concerning the legislative educational planning committee; relating to the powers and duties thereof; amending K.S.A. 2010 Supp. 46-1208a and repealing the existing section, by Committee on Legislative Educational Planning Committee.
- **HB 2013**, AN ACT repealing K.S.A. 48-1901, 48-1902, 48-1903, 48-1904 and 48-1905; concerning the sale and purchase of certain firearms. , by Committee on Federal and State Affairs

HOUSE CONCURRENT RESOLUTION No. HCR 5004—

By Committee on Federal and State Affairs

- A PROPOSITION to amend section 5 of article 12 of the constitution of the state of Kansas, relating to cities' powers of home rule.
- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 12 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 5. Cities' powers of home rule. (a) The

legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved:—

Provided, That, Existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

- (b) Cities are hereby empowered to determine their local affairs and government including the levving of taxes, excises, fees, charges and other exactions except when and as the levving of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: Provided, That. The legislature may establish not to exceed four classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as herein provided for in subsection (c).
- (c) (1) Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city.
- (2) A charter ordinance is an ordinance which exempts a city from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter ordinance shall be so titled, shall designate specifically the

enactment of the legislature or part thereof made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such city. Every charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper or, if there is none, in a newspaper of general circulation in the city.

- (3) No charter ordinance shall take effect until sixty 60 days after its final publication. If within sixty 60 days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent 10% of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within thirty 30 days and held within ninety 90 days after the filing of the petition. The governing body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once each week for three consecutive weeks in the official city newspaper or, if there be none, in a newspaper of general circulation in the city, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter ordinance No. _____, entitled (title of ordinance) take effect?" The governing body may submit any charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of the ordinance calling the election as for ordinances upon petition and such charter ordinance shall then become effective when approved by a majority of the electors voting thereon. Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.
- (4) Each charter ordinance enacted shall control and prevail over any prior or subsequent act of the governing body of the city and may be repealed or amended only by charter ordinance or by enactments of the legislature applicable to all cities.
 - (5) A charter ordinance shall not be used to

alter or make changes in the form of city government of a city where such change has been approved by the electors of the city until the expiration of four years from the date of the election.

- (d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.
- (e) This amendment shall be effective on and after July 1, 1961."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to restrict a city in its ability to make changes in its form of government by enactment of a charter ordinance for a period of four years after electors of the city have approved a change in the form of government. Charter ordinances are subject to a petition and election procedure. The purpose of the amendment is to insure the will of the electorate in regard to the form of city government is not circumvented immediately by a governing body that does not like the change. The amendment also will save the drawing of a protest petition and the cost of a second election which is required to prevent a charter ordinance from going into effect.

"A vote for the proposition will provide assurance that the will of the electorate of a city that has chosen a different form of government will not be circumvented immediately by the passage of a charter ordinance and will save the extra effort and expense to hold a second election to prevent the charter ordinance from going into effect.

"A vote against the proposition will continue the current provisions which allow a governing body to adopt a charter ordinance at any time following a change in the form of city government approved by city electors."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature,

in which case it shall be submitted to the electors of the state at the special election.

COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced the appointment of Rep. Flaharty as the Ranking Democrat to replace Rep. Henderson on the Committee on Aging and Long Term Care.

On motion of Rep. Siegfreid, the House adjourned pro forma until 9:00 a.m., Friday, January 14, 2011.

Journal of the House

FIFTH DAY

Hall of the House of Representatives, Topeka, KS, Friday, January 14, 2011, 9:00 a.m.

The House met session pro forma pursuant to adjournment with Speaker O'Neal in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2014, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Corrections and Juvenile Justice: HB 2008, HB 2009.

Education Budget: **HB 2012**. Federal and State Affairs: **HB 2013**.

Judiciary: HB 2010.

Local Government: HCR 5004.

Taxation: HB 2011.

COMMUNICATIONS FROM THE STATE OFFICERS

From Robert E. Blecha, Director, Kansas Bureau of Investigation, pursuant to K.S.A. 60-4117, report concerning the status of the KBI State Forfeiture Fund

From Dennis McKinney, Kansas State Treasurer, 2010 Annual Report to the Kansas Legislature.

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

REPORT ON ENROLLED RESOLUTIONS

HCR 5001, HCR 5002; HR 6001, HR 6002, HR 6003 reported correctly enrolled and properly signed on January 14, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Tuesday, January 18, 2011.

Journal of the House

SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, Торека, KS, Tuesday, January 18, 2011, 11:00 а.т.

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

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that Robert Montgomery, Olathe, was appointed by the Governor effective January 18, 2011, to the Kansas House of Representatives, Twenty Sixth District, to fill the vacancy created by the resignation of Rob Olson.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 18^{th} day of January, A.D. 2011.

Kris W. Kobach Secretary of State

OATH OF OFFICE

State of Kansas, County of Shawnee, ss:

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

Signed: ROBERT "BOB" MONTGOMERY

Subscribed and sworn to before me this 18th day of January, 2011.

Kris W. Kobach Secretary of State

The roll was called with 121 members present. Rep. Hermanson was excused on verified illness. Reps. Peterson and Roth were excused on excused absence by the Speaker.

The House is now organized with 124 members.

Prayer by guest chaplain, the Rev. Mark L. Halford, pastor, New Life Assembly of God, Baldwin City, and guest of Rep. Gregory:

My Heavenly Father who is the Creator and Sustainer of Life, I humbly come before your presence today in the name of your only Begotten Son Jesus.

First of all I wish to Adore You for who You are. I recognize Your Glory is unmatched and incomparable to any other thing.

Secondly I desire to Confess my own inadequacies & short comings. I am constantly made aware of my need for dependence upon You. Forgive me for the times that my independent spirit has forgotten that truth.

I also wish to off You Thanksgiving on this day. Your blessings have been abundant and much more than I deserve. On behalf of this Great State of Kansas I am thankful for the Leadership that you have allowed to be in place and for Your continued blessings upon all Kansans.

I come before you offering Supplication on behalf of our elected officials. I realize the great opportunity and responsibility each one of them has. Opportunity to lead this Great State in the pathways of continued success and greatness, Responsibility to represent all Kansans in their pursuit of Happiness & Fulfillment. May Your wisdom rest upon our State Leadership, may the light of Your Truth continue to illuminate the pathways to enduring success for all Kansans.

I ask these things in the name of Your beloved son Jesus whose Kingdom reigns for ever and ever. Amen

The Pledge of Allegiance was led by Rep. Howell.

Kansas Trivia Question – Garden City postcard publisher John Conard specialized in exaggerated postcards of Kansas fighting what?

Answer: Giant grasshoppers.

Rep. Ballard led the House in singing "Happy Birthday" to Speaker O'Neal.

Speaker O'Neal welcomed Rep. Montgomery as a member of the House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2015, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, by Committee on Legislative Education Planning Committee.

HB 2016, AN ACT concerning school districts; relating to the program weighting; amending K.S.A. 2010 Supp. 72-6413 and repealing the existing section, by Committee on Special Committee on Education.

HB 2017, AN ACT concerning school districts; relating to enrollment of pupils eligible for free meals under the national school lunch act, by Committee on Special Committee on Education.

HB 2018, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6455 and 72-6459 and repealing the existing sections, by Committee on Special Committee on Education.

HB 2019, AN ACT concerning school districts; relating to interdistrict agreements and the termination thereof; amending K.S.A. 72-8233 and repealing the existing section, by Committee on Special Committee on Education.

HB 2020, AN ACT affording educational institutions the option to utilize the housing system suspense fund; amending K.S.A. 2010 Supp. 76-762 and repealing the existing section, by None.

HB 2021, AN ACT concerning the KAN-ED act; relating to membership thereof; amending K.S.A. 2010 Supp. 66-2010, 75-7222, 75-7223, 75-7224 and 75-7226 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 75-7228, by Committee on Legislative Education Planning Committee.

HB 2022, AN ACT concerning criminal procedure; relating to persons acquitted or verdict of not guilty of special question; relating to venue; amending K.S.A. 2010 Supp. 22-3428 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Appropriations: HB 2014

COMMUNICATIONS FROM THE STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2009 Supp. 66-1250 through 66-1254, Broadband availability report to the 2011 Kansas Legislature.

From Kent E. Olson, Director, Division of Accounts and Reports, Comprehensive Annual Financial Report, July 1, 2009 to June 30, 2010.

The complete reports are on file and open for inspection in the office of the

Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hoffman, the following resolution, HR 6005, by Reps. Hoffman, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bruchman, Bollier, Boman, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzales, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermason, Hildabrand, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCrav-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, was introduced and adopted:

HOUSE RESOLUTION No. HR 6005--

A RESOLUTION in memory of Don M. Rezac.

WHEREAS, Don M. Rezac, 69, of Emmett, died November 26, 2010. A former Kansas legislator, he served in the House of Representatives from 1982 to 1994; and

WHEREAS, Mr. Rezac was born November 29, 1940 in Vienna township. He was the sixth of seven children of Matt and Bernice Wilson Rezac. He graduated from Onaga High School in 1958 and attended Kansas State University; and

WHEREAS, During his tenure in the Kansas legislature, Mr. Rezac served as Chairperson of the Pensions, Investments, and Benefits Committee, Vice-Chairperson of the Agriculture Committee, and was a member of the Energy and Natural Resources Committee and Transportation Committee. In addition, he was active in many local organizations including, the Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farmer's Union, Kansas and Onaga Young Farmers and the Kansas Soybean Association. In 1987, he became only the fifth Kansan in history to receive the National 4-H Alumni Award. Mr. Rezac and his wife, Barbara, were named Master Farmer-Homemaker by Kansas State University in 1996 for their contributions to agriculture and community; and

WHEREAS, Mr. Rezac was a lifelong Kansas farmer and rancher. He started his career with only six sows and one boar and went on to become president of Rezac Land and Livestock. He was a passionate conservationist who served as Director of Area IV for the Kansas Association of Conservation Districts from 1995 to 2007 and as a Supervisor of the

Pottawatomie County Conservation District from 1969 to 2010. He was also an active member of the Onaga school board from 1971 to 1982; and

WHEREAS, Mr. Rezac is survived by his wife Barbara Tanner Rezac, two sons, Lance Rezac and Jay Rezac, a daughter, Kimberly Robbins, and nine grandchildren; and

WHEREAS, Mr. Rezac has been described as a man of integrity, intelligence and humor. He will be remembered for his lifelong commitment of public service to his state and community: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Don M. Rezac for his great work in the house of representatives and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to Representative Hoffman.

Rep. Hoffman introduced the family of Mr. Rezac to the members of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6006-

By Representatives O'Neal, Pauls and Seiwert

A RESOLUTION recognizing January 21, 2011, as Dentist Appreciation Day.

WHEREAS, the 10th Kansas Mission of Mercy Dental Project will be held on January 21 and 22 of 2011 in Hutchinson, Kansas; and

WHEREAS, the Kansas Mission of Mercy held its first Kansas Mission of Mercy Dental Project in Garden City in February 2003, and since then, has held eight other projects in Garden City, Kansas City, Pittsburg, Wichita, Salina, Topeka, Manhattan, and Independence; and

WHEREAS, the Kansas Mission of Mercy Dental Project was created to provide free dental care to low-income patients across Kansas; and

WHEREAS, the Kansas Mission of Mercy Dental Project provides cleanings, fillings and extractions, and other dental services at no cost to both children and adults; and

WHEREAS, at the nine Kansas Mission of Mercy Dental Projects to date, 521 Kansas dentists have volunteered and provided free dental care; and

WHEREAS, through the nine Kansas Mission of Mercy Dental Projects, Kansas dentists have treated more than 17,500 patients with free dental care valued at more than \$8.5 million; and

WHEREAS, the Kansas Mission of Mercy Dental Project has been integral to the creation of a nationwide dental Mission of Mercy effort; and

WHEREAS, the Kansas Mission of Mercy Dental Project is a project of the Kansas Dental Charitable Foundation; and

WHEREAS, the Kansas Dental Association founded the Kansas Dental

Charitable Foundation in 2002 as a 501(c)(3) foundation: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we hereby recognize January 21, 2011, as Dentist Appreciation Day to honor the charitable spirit of Kansas dentists who have given countless hours to provide free dental care through the Kansas Mission of Mercy Dental Projects.

Be it further resolved: That the Chief Clerk of the House of Representatives shall send six enrolled copies of this resolution to Representative O'Neal.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

- **HB 2023**, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2024**, AN ACT creating the constitutional education suitability commission, by Committee on Vision 2020.
- **HB 2025**, AN ACT concerning the regulation of motor carriers; exemptions of certain carriers; amending K.S.A. 2010 Supp. 66-1,109 and repealing the existing section, by Committee on Appropriations.
- **HB 2026**, AN ACT enacting the Kansas immigration accountability act, by Committee on Federal and State Affairs.
- **HB 2027**, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a, by Committee on Judiciary.
- **HB 2028**, AN ACT concerning trusts; relating to insurable interests of trustees, by Committee on Judiciary.
- **HB 2029**, AN ACT concerning the Kansas tort claims act; concerning charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, by Committee on Judiciary.
- **HB 2030**, AN ACT concerning open records; relating to exceptions to disclosure; amending K.S.A. 2010 Supp. 9-513c, 40-2,118, 40-4913 and 45-229 and repealing the existing sections, by Committee on Special Committee on Judiciary.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, January 19, 2011.

SEVENTH DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, January 19, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Kuether was excused on verified illness.

Reps. Peterson, Sloan and Weber were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, You have asked for our hands that You might use them for Your purpose. You have asked for our mouths to speak out against injustice. You have asked for our lives that You might work through us. You have asked for our hearts to serve You and others with pure motives not for personal gain. Today, Lord, I ask for each of these representatives that you forgive and renew, their compassion and understanding increase; that you will nurture and empower, so they can be used as instruments of your peace. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Phelps.

Kansas Trivia Question – Women across America won the right to vote in all elections through the 19th Amendment to the U.S. Constitution in 1920. How many years earlier did Kansas women win that right?

Answer: Eight years earlier in 1912.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

- **HB 2031**, AN ACT concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, by Representatives Smith, Bruchman, Burgess, Amanda, Hildabrand, Kinzer, Mast, Meigs, Pauls, Rubin and Vickrey.
- **HB 2032**, AN ACT concerning county and district attorneys; monthly reporting of caseloads; amending K.S.A. 19-702 and 22a-104 and repealing the existing sections, by Representative Smith.
- **HB 2033**, AN ACT relating to motor vehicles; concerning the registration of fleet motor vehicles; amending K.S.A. 2010 Supp. 8-1,152 and repealing the existing section, by Committee on Transportation.
- **HB 2034**, AN ACT concerning traffic regulations; relating to maximum speed limits on certain separated multilane highways; amending K.S.A. 2010 Supp. 8-1558 and repealing the existing section, by Committee on Transportation.
- HB 2035, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, by Representatives Kinzer, Rubin, Arpke, Billinger, A. Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Grange, Gregory, Gonzalez, Amanda, Henry, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Powell, Rhoades, Ryckman, Scapa, Schwab, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams and B. Wolf.
- **HB 2036**, AN ACT relating to interpretation of federal statutes, regulations and national codes; amending K.S.A. 77-619 and repealing the existing section, by Representatives Otto, Carlson, DeGraaf, Donohoe, Garber, Grange, Osterman, Rhoades and B. Wolf.
- **HB 2037**, AN ACT concerning commerce and economic development; amending K.S.A. 19-4109, 46-1603, 46-1801, 74-5001a, 74-5080, 74-8105, 74-8204, 74-8310 and 74-8317 and K.S.A. 2010 Supp. 12-1771a, 44-566a, 74-5002s, 74-5049, 74-50,104, 74-8001, 74-8002, 74-8004, 74-8101, 74-8135, 74-8136, 74-8405 and 74-99c07 and repealing the existing sections, by Representative O'Neal.
- **HB 2038**, AN ACT concerning crimes, criminal procedure and punishment; amending section 298 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, by Committee on Corrections and Juvenile Justice.
- **HB 2039**, AN ACT concerning crimes and punishments; relating to smoking; amending K.S.A. 2010 Supp. 21-4009 and 21-4010 and repealing the existing sections, by Committee on Health and Human Services.

HB 2040, AN ACT concerning local health departments; relating to funding reduction; amending K.S.A. 65-242 and repealing the existing section, by Committee on Health and Human Services.

HB 2041, AN ACT concerning the licensure qualifications of pawnbrokers and precious metal dealers; amending K.S.A. 16-708 and repealing the existing section, by Committee on Local Government.

HB 2042, AN ACT concerning crimes and punishment; relating to sexually violent crimes, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2022, HB 2023.

Education: HB 2015, HB 2017, HB 2019, HB 2020, HB 2024.

Education Budget: HB 2016, HB 2018, HB 2021.

Federal and State Affairs: HB 2026.

Judiciary: HB 2027, HB 2028, HB 2029, HB 2030.

Transportation: **HB 2025**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Pauls, **HR 6006**, A resolution recognizing January 21, 2011, as Dentist Appreciation Day, was adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTION

The following bills were thereupon introduced and read by title:

HB 2043, AN ACT concerning school districts; relating to online reporting of expenditures, by Representative Otto.

HB 2044, AN ACT concerning motor vehicles; relating to requirements after a collision; amending K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-1605 and section 292 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 8-1603 and 8-1606, by Committee on Corrections and Juvenile Justice.

HB 2045, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending K.S.A. 2010 Supp. 22-4902 and section 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

On motion of Rep. Siegfreid, the House adjourned until 10:30 a.m., Thursday, January 20, 2011.

EIGHTH DAY

Hall of the House of Representatives, Topeka, KS, Thursday, January 20, 2011, 10:30 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair. The roll was not called due to inclement weather.

Prayer by Representative Bethell:

Our Heavenly Father,

How blessed we are to be able to come before you with praise for your care and love for us, and with our concerns that we wish to place before you for your consideration.

Continue Lord to guide us in all we do. Place before us the opportunity to serve others as we serve you. Give us the ability to discern your will as decisions are placed before us.

We ask that you watch over us so that we may bring Honor and Glory to you.

We ask this in the name of your Son Jesus The Christ. Amen

The Pledge of Allegiance was led by Rep. Hermanson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2046, AN ACT concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional lottery proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2047, AN ACT enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, by Committee on Aging and Long Term Care.

HB 2048, AN ACT concerning the state board of pharmacy, establishing a prescription drug disposal program, by Representatives Sloan, Hill and K. Wolf.

HB 2049, AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 65-4105 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2050, AN ACT concerning telecommunications; establishing the broadband deployment assistance program; amending K.S.A. 2010 Supp. 66-2010 and repealing the existing section, by Committee on Energy and Utilities.

HB 2051, AN ACT concerning income taxation; relating to credits; amending K.S.A. 79-32,141 and K.S.A. 2010 Supp. 79-32,160a and repealing the existing sections, by

Committee on Taxation.

HB 2052, AN ACT concerning income taxation; relating to credits; qualified tuition and related expenses, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5005—

By Committee on Energy and Utilities

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

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

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

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

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

WHEREAS, Direct and indirect energy costs and their impacts on individual consumers and consumer sectors have not been widely discussed at the federal level, but are of great concern to state policymakers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we believe that Kansas' public, elected policymakers and executive agency personnel should have specific targets for energy development, consumption and cost containment; and

Be it further resolved: That compared to January 1, 2010, by December 31, 2020 the following policy objectives should be achieved and all state agencies, including the Board of Regents, Kansas Bio-Science Authority, Kansas Corporation Commission, Kansas Department of Health & Environment, and the Kansas Development Finance Authority, are charged with the responsibility of assisting both the public and private sectors to achieve them:

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

All Title IV landfills in Kansas shall capture at least 90% of otherwise escaping methane gas from decomposing refuse or shall convert new and existing municipal waste into synthetic gas for use in generating electricity and fueling motor vehicles; andAt least 2% of motor fuels sold in Kansas shall contain ethanol from cellulosic processing or bio-fuel synthetic gas; and

ENERGY STORAGE: The Kansas Corporation Commission shall coordinate with Kansas electric utilities and the Southwest Power Pool to study and implement five energy storage projects to cost-effectively address transmission line constraint relief, distributive generation reliability, electric distribution system reliability, and to firm renewable energy generation; and

ENERGY CONSERVATION AND EFFICIENCY: The U.S. and Kansas economies will continue to recover strength after the recession of 2008 and 2009 and electricity demand shall return to its normal 1% to 1.5% annual growth. Unabated, this will result in approximately 15% greater electricity demand by January 1, 2021, than existed as of December 31, 2009. In cooperation with the Kansas Corporation Commission, all Kansas electric utilities shall develop measurable programs to reduce the anticipated rate of growth to 10%, without consumers experiencing a quality of life degradation;

and

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

RESEARCH AND RETRO-FIT: The Kansas Board of Regents and the Kansas Department of Commerce shall cooperate and coordinate efforts such that energy research in Kansas by private and public persons and institutions shall cumulatively generate \$500 million in grants, sponsored research, and sales of products and technologies that increase energy production, the efficient use of energy and the development of new low-carbon footprint energy sources; with a target of at least \$75 million per year beginning January 1, 2012; and

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

Smart Grid is the enhanced, real-time communications between elements of the integrated electric system that permit greater efficiencies in the production, distribution and consumption of electricity. In cooperation with the Kansas Corporation Commission, Kansas electric utilities shall strive to ensure that at least 70% of transmission and distribution line segments and appurtenances and at least 50% of all electric meters for each public utility shall be "smart grid compliant;" and

Existing coal-fired generation units, including both electric public utilities and nonpublic utilities, shall reduce the rate of their carbon dioxide releases per BTU to equal or less than 125% of natural gas generation plants constructed in 2009; and IMPACTS ON KANSANS: The Kansas Department of Commerce and the Board of Regents, as lead agencies, shall enhance workforce development, recruitment and training programs that lead to an employment growth rate in energy production, conservation/efficiency, research and related sectors of 15% per year beginning in 2012;

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: HB 2031, HB 2032, HB 2038, HB 2044, HB 2045.

Education: HB 2043.

Federal and State Affairs: HB 2035.

Health and Human Services: HB 2039, HB 2040.

Judiciary: HB 2036, HB 2042. Local Government: HB 2041. Rules and Journal: HB 2037.

Transportation: HB 2033, HB 2034.

On motion of Rep. Siegfreid, the House adjourned Proforma until $9:00\,$ a.m., January $21,\,2011.$

NINTH DAY

 $\label{eq:hall of the House of Representatives,} Hall of the House of Representatives, Topeka, KS, Friday, January 21, 2011, 9:00 a.m.$

The House met session pro forma pursuant to adjournment with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2053, AN ACT concerning school districts; enacting the Kansas uniform financial accounting and reporting act; amending K.S.A. 2010 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

HB 2054, AN ACT concerning the Kansas technology enterprise corporation; pertaining to the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8101, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050 and 74-8105, by Committee on Commerce and Economic Development.

HB 2055, AN ACT repealing K.S.A. 22-3432 and K.S.A. 2010 Supp. 21-4632; concerning criminal procedure; relating to offender information sharing. , by Committee on Corrections and Juvenile Justice.

HB 2056, AN ACT relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2010 Supp. 9-1703 and repealing the existing section, by Committee on Financial Institutions

HB 2057, AN ACT concerning forensic examinations; relating to admissibility; amending K.S.A. 2010 Supp. 22-3437 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2046**, **HB 2047**. Corrections and Juvenile Justice: **HB 2049**. Energy and Utilities: **HB 2050**; **HCR 5005**. Health and Human Services: **HB 2048**.

Taxation: HB 2051, HB 2052.

COMMUNICATIONS FROM THE STATE OFFICERS

From Ed Eilert, Chairman, Johnson County Education Research Triangle, reports on the Authority's Financial Statements, the Authority's Agreed-Upon Procedures Report; and The Authority's required communication/management letter.

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas health Policy Authority, in compliance with K.S.A. 75-6509, the Kansas State Employees Health Care Commission 2010 Annual Report available on compact disc.

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

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Monday, January 24, 2011.

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, ТОРЕКА, KS, Monday, January 24, 2011, 11:00 а.m.

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

The roll was called with 122 members present. Reps. Calloway and Loganbill were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Every day we are faced with decisions which we have to choose between the dichotomy of Your Kingdom values and those of our society. We have been taught to take advantage & manipulate others... but You teach us to love others. We have the nature to look out for ourselves... but You have said to look out for others. We are tempted to get as much as we can... but You tell us to give as much as we can. We have been told to grow up... You say become like a child. Our tendency is to become a master... You encourage us to become a servant. We often want to do our own thing... You tell us to obey You and Your commandments. Today, Lord, in all our conversation and actions, help us choose the right path. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. DeGraaf.

Kansas Trivia Question - Ten-year-old Wilbur Chapman of White Cloud wanted to raise money for the American Leprosy Mission in 1913, so he made an odd-shaped device that caught everyone's eye. What is Wilbur credited with inventing?

Answer: The piggy bank

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2058, AN ACT regulating traffic; concerning traffic controlled lights; relating to motorcycles; amending K.S.A. 8-1508 and repealing the existing section, by Committee on Transportation.

HB 2059, AN ACT concerning business and commerce; relating to the operation of second-hand stores, by Representative Sloan.

HB 2060, AN ACT concerning disposal of decedents' remains; amending K.S.A. 65-1734 and repealing the existing section, by Representative Sloan.

HB 2061, AN ACT concerning crimes, criminal procedure and punishment; relating to criminal culpability, by Representative Sloan.

HB 2062, AN ACT concerning criminal procedure, relating to searches; amending K.S.A. 22-2501 and repealing the existing section, by Representative Sloan.

HB 2063, AN ACT designating xiphactinus audax as the state fossil of Kansas, by Representatives Sloan and Hineman.

HB 2064, AN ACT creating the Kansas higher education commission, by Committee on Vision 2020.

HB 2065, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-531 and 12-532 and repealing the existing sections, by Committee on Local Government.

HB 2066, AN ACT concerning certain city annexation of fire district territory, by Committee on Local Government.

HB 2067, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2908, 25-3002 and 65-2418 and repealing the existing sections, by Representatives Kinzer, Arpke, A. Brown, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory, Amanda, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfreid, Smith, Suellentrop, Vickrey, Weber, K. Wolf, B. Wolf and Worley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "to be referred" were referred to committees as indicated:

Commerce and Economic Development: **HB 2054**.

Corrections and Juvenile Justice: HB 2055, HB 2057.

Education Budget: **HB 2053**. Financial Institutions: **HB 2056**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2016**, **HB 2018** from Committee on Education Budget and referral to the Committee on Education.

MESSAGE FROM THE GOVERNOR

January 21, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-01 for your information.

EXECUTIVE ORDER NO 11-01 Creating the Office of the Repealer within the Kansas Department of Administration

Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 34 By Governor Sam Brownback January 24, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 34 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

In these difficult economic times, state government needs to get back to the basics by focusing on the things that it should rightfully be doing and doing them in the most efficient manner possible. Achieving this goal requires that we eliminate redundancies. In this spirit of streamlining government, I am ordering the consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 etseq. and establishing within the Department of Corrections the Prisoner Review Board.

The Kansas Sentencing Guidelines Act became effective on Iuly 1, 1993 requiring convicted persons to be sentenced pursuant to a determinate sentencing grid. This did away with traditional indeterminate sentencing and its provisions for parole. Since then, the numbers of inmates for whom the possibility of parole exists have dwindled both in real numbers and in the percentage of the total inmate population, thus reducing the need for a full-time, independent state agency to review parole applications.

Additionally, the Department of Corrections already collects data on each inmate up for parole. This data is then transmitted to the Parole Board and forms the basis for the review of each application. By consolidating these functions within the Department's new Prisoner Review Board staffed by existing Department employees, the process will be streamlined and cost savings will be realized immediately. My Fiscal Year 2012 Budget Report anticipates that the State of Kansas will save nearly one-half million taxpayer dollars from this consolidation alone.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest first step toward making state government leaner

and more efficient. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Executive Reorganization Order No. 34 By Governor Sam Brownback Transmitted January 24, 2011

- Section 1. There is hereby established, within the Kansas department of corrections, the prisoner review board. The prisoner review board shall be administered under the supervision of the secretary of corrections. The prisoner review board shall consist of three members appointed by the secretary of corrections and all members shall serve at the pleasure of the secretary. The members of the prisoner review board shall be existing employees of the department of corrections. Sec. 2. (a) The Kansas parole board established by K.S.A. 22-3707 is hereby abolished. The prisoner review board shall be a continuation of the Kansas parole board.
- (b) All of the powers, duties and functions of the existing Kansas parole board are hereby transferred to and imposed upon the prisoner review board.
- Sec. 3. (a) The prisoner review board shall be the successor in every way to the powers, duties and functions of the Kansas parole board in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the prisoner review board shall be deemed to have the same force and effect as if performed by the Kansas parole board in which such powers, duties and functions were vested prior to the effective date of this order.
- (b) Whenever the Kansas parole board, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the prisoner review board.
- (c) All rules and regulations, orders and directives of the Kansas parole board that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of corrections until revised, amended, revoked or nullified pursuant to law.
- Sec. 4. The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas parole board are hereby transferred within the state treasury to the Kansas department of corrections and shall be used only for the purpose for which the appropriation was originally made.
- Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The department of corrections shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions of the Kansas parole board transferred to the prisoner review board. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.
- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding

to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 24th day of January, 2011

BY THE GOVERNOR SAM BROWNBACK

Kris W. Kobach Secretary of State Eric Rucker Assistant Secretary of State

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Davis, **HR 6007**, by Reps. O'Neal and Davis, was introduced and adopted:

HOUSE RESOLUTION No. HR 6007-

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

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2011 regular session shall occupy the same seats assigned pursuant to 2011 House Resolution 6002 with the following exceptions: Brown, seat No. 96, Hildabrand, seat No. 95, Mast, seat No. 113, Meigs, seat No. 114.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2068, AN ACT concerning the Kansas power of attorney act; relating to durable powers of attorney; duties of the attorney in fact; amending K.S.A. 58-651 and 58-664 and K.S.A. 2010 Supp. 58-652 and 58-656 and repealing the existing sections, by Committee on Judiciary.

- **HB 2069**, AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Committee on Judiciary.
- **HB 2070**, AN ACT concerning eminent domain; relating to notification of payment of appraisers' award; amending K.S.A. 2010 Supp. 26-510 and repealing the existing section, by Committee on Judiciary.
- **HB 2071**, AN ACT concerning inheritance rights; relating to revocation upon divorce, by Committee on Judiciary.
- **HB 2072**, AN ACT concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Judiciary.
- **HB 2073**, AN ACT concerning orders of support of a child; amending K.S.A. 2010 Supp. 38-1121 and 60-1610 and repealing the existing sections, by Committee on Judiciary.
- **HB 2074**, AN ACT concerning insurance rate filings; pertaining to the disclosure of certain information; amending K.S.A. 2010 Supp. 40-955 and repealing the existing section, by Committee on Insurance.
- **HB 2075**, AN ACT concerning the insurance department's criminal anti-fraud division; extending the exception from disclosure of records under the open records act; repealing K.S.A. 2010 Supp. 40-2,118, by Committee on Insurance.
- **HB 2076**, AN ACT concerning insurance; relating to municipal pools; amending K.S.A. 12-2620 and K.S.A. 2010 Supp. 12-2618 and repealing the existing sections, by Committee on Insurance.
- **HB 2077**, AN ACT concerning worker's compensation; relating to group-funded pool filings to the insurance commissioner; amending K.S.A. 2010 Supp. 44-584 and repealing the existing section, by Committee on Insurance.
- **HB 2078**, AN ACT concerning the state school for the blind and the state school for the deaf; relating to training programs; amending K.S.A. 76-1102a and repealing the existing section, by Committee on Education.
- **HB 2079**, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, by Committee on Education.
- **HB 2080**, AN ACT concerning elections; relating to extension districts; amending K.S.A. 2-624 and repealing the existing section, by Committee on Elections.
- HB 2081, AN ACT concerning special hospitals; requiring the provision of emergency services, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. HCR 5006—

By Representative Kinzer

- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 24 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:
 - "§ 24. Appropriations. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by

law. The executive and judicial branches shall have no authority to direct the legislative branch to make any appropriation of money or to redirect or limit in any fashion an appropriation already made by law, except as the legislative branch may provide by law or as may be required by the constitution of the United States."

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

"Explanatory statement. The purpose of this amendment is to clarify that the executive and judicial branches shall not direct the legislative branch to make any appropriation of money or redirect or limit the expenditures of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the constitution of the United States.

"A vote for this amendment would clarify that section 24 of article 2 of the Kansas constitution provides that neither the judicial branch nor the executive branch can force the legislative branch to appropriate money, except as the legislative branch may provide by law or as may be required by the constitution of the United States. The amendment would also prohibit the judicial branch from ordering a change in how money is spent after it has been appropriated by the legislative branch, except as the legislative branch may provide by law or as may be required by the constitution of the United States. If money is appropriated for a particular purpose the judicial branch could not stop that money from being spent for that purpose.

"A vote against this amendment would provide no change to the Kansas constitution and the existing order that directs the legislative branch to make an appropriation of money shall remain in effect."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in April in the year 2011 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m. Tuesday, January 25, 2011.

ELEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, January 25, 2011, 11:00 a.m.

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

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that Dennis Hedke, Wichita, was appointed by the Governor effective January 24, 2011, to the Kansas House of Representatives, Ninety Ninth District, to fill the vacancy created by the resignation of Aaron Jack.

In Testimony Whereof, I have hereunto subscribed my name and caused to be affixed my official seal this 24th day of January, A.D. 2011.

Kris W. Kobach Secretary of State

OATH OF OFFICE

State of Kansas, County of Shawnee, ss:

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

Signed: Dennis Hedke

Subscribed and sworn to before me this 24th day of January, 2011.

Kris W. Kobach Secretary of State

The roll was called with 122 members present. Rep. Ballard was excused on legislative business. Reps. Dillmore and Peterson were excused on excused absence by the Speaker. The House is now organized with 125 members.

Prayer by Rep. Moxley:

On the occasion of Dwight D. Eisenhower's 119th birthday, let us bow our heads and remember the prayer for mankind that Eisenhower wrote at the end of his famous farewell address to the nation on the 17th of January 1961...

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

The Pledge of Allegiance was led by Rep. Victors.

Kansas Trivia Question – In the 1936 presidential election Democrat Franklin D. Roosevelt ran against two Kansans. The better known was the Republican candidate, Alf Landon, originally from Independence. The other Kansan who opposed Roosevelt was Earl Browder from Wichita. What party nominated Browder for president?

Answer: The Socialists.

INTRODUCTION OF GUESTS

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

I would like to introduce the 6A State Volleyball Champions from Manhattan High School. This was Lisa Kinderknecht's first year as head coach of the Manhattan High Inidan volleyball team. The championship and Indian record earned her recognition as coach of the Year for Class 6A. Coach Kinderknecht had taken over the program from Lori Martini who led the program to nine state tournaments, including the last state title in 2003. This year the Manhattan High Indians captured the 6A state title by beating Maize in the finals after advancing in a win over long time rival and the previous state champions – Washburn Rural. After coming in third last year at the State Tournament, it was Manhattan High's turn for a State Championship. The Indians overall record was 31-11. Mari Jo Massanet led the Indians in kills and was named Player of the Year for Class 6A as well as being named to the State Team, All Tournament Team, and the Centennial League First Team. Sarah Tatarko led the team with assists and was also named to the State Team, All Tournament Team, and Centennial League First Team. Jordyn Holle led the Indians with digs and was named Honorable Mention to the State Team and Second Team Centennial League. Kylie Rupe, another team leader with kills,

was also named to the Second Team Centennial League and was All Tournament Team at the Tonganoxie Invitational along with Mari Jo Massanet. Kayla Shields, Alexia Evans, Lindsy Ekart and Kami Dillon also received honorable mention for the Centennial League. Other varsity players for MHS Volleyball include Aubrey Jung, Colbi Brooks, Lauren Goralczyk, Shelby Hill, and Jessie Kujawa. The team managers are also with us today – Carrie Andrade, Michaela Braun, Harley Roedel and Stephanie Shanower.

On behalf of Rep. Mosier, Rep. Carlin presented the coach and team with a framed House Certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2082, AN ACT concerning the maintenance of previously installed medical gas piping systems in hospitals; amending K.S.A. 2010 Supp. 12-1509 and repealing the existing section, by Committee on Health and Human Services.

HB 2083, AN ACT relating to mortuary arts; concerning the notification of individuals with prefinanced funeral agreements; amending K.S.A. 65-1713a and repealing the existing section, by Committee on Health and Human Services.

HB 2084, AN ACT concerning governmental organization; relating to consolidation; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904, 12-3909 and 19-205 and repealing the existing sections, by Committee on Local Government.

HB 2085, AN ACT relating to insurance; concerning title insurance; amending K.S.A. 2010 Supp. 40-1137 and repealing the existing section, by Committee on Insurance.

HB 2086, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; amending K.S.A. 2010 Supp. 74-4914d and 74-4920 and repealing the existing sections, by Joint Committee on Pensions, Investments, and Benefits.

HB 2087, AN ACT to protect rights and privileges granted under the United States or Kansas constitutions, by Representatives Mast, Arpke, Boman, Brunk, Carlson, Collins, Crum, DeGraaf, Donohoe, Fund, Garber, Gonzalez, Goodman, Gregory, Amanda, Hermanson, Hoffman, M. Holmes, Howell, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Vickrey and Weber.

HB 2088, AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2089, AN ACT concerning hunting; relating to hunting dogs; permitting owners to retrieve their dogs from posted land.; amending K.S.A. 2010 Supp. 32-1013 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2063**.

Corrections and Juvenile Justice: HB 2059, HB 2061, HB 2062; ERO 34.

Education: HB 2064, HB 2078, HB 2079.

Elections: HB 2067, HB 2080.

Health and Human Services: HB 2081.

Insurance: HB 2074, HB 2075, HB 2076, HB 2077

Judiciary: HB 2068, HB 2069, HB 2070, HB 2071, HB 2072, HB 2073; HCR 5006.

Local Government: HB 2065, HB 2066.

Transportation: **HB 2058**.

Veterans, Military and Homeland Security: HB 2060.

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 35 By Governor Sam Brownback January 25, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor's Committee on Employment of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor's office so that the community's concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

Executive Reorganization Order No. 35 By Governor Sam Brownback Transmitted January 25, 2011

Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission.

- Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 *et seq.* and amendments thereto are hereby transferred to and imposed upon the commission.
- Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.
- (b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.
- (c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law.
- Sec. 4. (a) The balances of all funds or accounts thereof appropriated or re appropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.
- Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The division of health care finance in the department of health and environment shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.
- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
 - Sec. 7. (a) All officers and employees of the commission who, immediately prior

to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the commission and the director of health care finance in the department of health and environment to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the division of health care finance in the department of health and environment. All classified employees so transferred shall retain their status as classified employees.

- (b) Officers and employees of the commission transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.
- Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 24th day of January 2011.

BY THE GOVERNOR
SAM BROWNBACK

Kris W. Kobach Secretary of State Eric Rucker Assistant Secretary of State

COMMUNICATIONS FROM STATE OFFICERS

From Ernest E. Garcia, Superintendent, Kansas Highway Patrol, pursuant to K.S.A. 60-4117, report regarding state forfeiture funds.

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

From REAP (Regional Economic Area Partnership) of South Central Kansas, in accordance with **H. Sub. for SB 475** (2006), report on the expenditures of the state annual grant and local matching moneys under the program.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2090, AN ACT concerning school districts; relating to transportation of pupils residing within 2½ miles of the school building; amending K.S.A. 2010 Supp. 72-8302 and repealing the existing section, by Committee on Education.

HB 2091, AN ACT concerning taxation; relating to sales and compensating use tax; rate of taxation; amending K.S.A. 2010 Supp. 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Representatives Kinzer, Brown, Collins, Donohoe, Garber, Goodman, Gregory, Amanda, Hildabrand, Howell, Kiegerl, Landwehr, Meigs, Montgomery, O'Brien, O'Hara, Osterman, Patton, Rubin, Scapa, Smith and Suellentrop.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, January 26, 2011.

TWELFTH DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, January 26, 2011, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Suellentrop was excused on legislative business.

Reps. Davis and D. Gatewood were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
Today we come seeking You,
because for all the answers, we honestly may have no clue.
The bills and resolutions are coming in
at a rapid pace.
Your wisdom and discernment, we now embrace.
For native Kansans across this land,
their best interest is our command,
and our thoughts and opinions
are one among millions.
So, to determine the right solution,
to Your will, we will listen and take action.
In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Bowers.

Kansas Trivia Question – "Buffalo Bill" Cody helped found the first European-American settlement in Ellis County, but it wasn't a permanent settlement as rival Hays City siphoned off the population. What was the name of Cody's ghost town that died about 1870?

Answer: Rome

INTRODUCTION OF GUESTS

Rep. Pauls introduced the Reno County Youth Leadership group who are spending the day at the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

- **HB 2092**, AN ACT concerning the employment security law; relating to unemployment benefits for privately contracted school bus drivers; amending K.S.A. 2010 Supp. 44-706 and repealing the existing section, by Committee on Transportation.
- **HB 2093**, AN ACT concerning motor vehicles; relating to vehicle identification number inspection fees; amending K.S.A. 2010 Supp. 8-116a and repealing the existing section, by Committee on Transportation.
- **HB 2094**, AN ACT concerning public health; relating to exemptions from the administration of vaccinations; amending K.S.A. 72-5209 and K.S.A. 2010 Supp. 65-508 and repealing the existing sections, by Committee on Health and Human Services.
- **HB 2095**, AN ACT concerning school districts; enacting the school sports head injury prevention act, by Committee on Health and Human Services.
- **HB 2096**, AN ACT concerning water; providing for a coordinated water data repository system; granting preservation easement authority to the Kansas water office; including drinking water costs in water plan storage rates; amending K.S.A. 82a-910 and K.S.A. 2010 Supp. 2-1915, 82a-1308a, 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, by Committee on Vision 2020.
- **HB 2097**, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,164 and repealing the existing section, by Committee on Energy and Utilities.
- **HB 2098**, AN ACT concerning controlled substances; relating to methamphetamine precursors; amending K.S.A. 65-4109 and 65-4123 and K.S.A. 2010 Supp. 65-4113 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-16,101, 65-16,102, 65-16,103, 65-16,104, 65-16,105, 65-16,106, 65-16,107 and 65-16,108. , by Committee on Corrections and Juvenile Justice.
- **HB 2099**, AN ACT concerning agriculture; establishing a Kansas goat council, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2089**. Commerce and Economic Development: **HB 2088**.

Education Budget: HB 2090.

Health and Human Services: HB 2082, HB 2083.

Insurance: HB 2085.

Judiciary: HB 2087; ERO 35. Local Government: HB 2084. Pension and Benefits: HB 2086.

Taxation: HB 2091.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2031** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

COMMUNICATIONS FROM THE STATE OFFICERS

From Lynn Robinson, Management Systems Analyst II, Policy and Research, Kansas Department of Revenue, pursuant to K.S.A. 12-4001-4008, 2010 Kansas Advisory Council on Intergovernmental Relations (KACIR), Annual Report.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6008-

By Committee on Energy and Utilities

A RESOLUTION opposing the Environmental Protection Agency's regulatory train wreck.

WHEREAS, The United States Environmental Protection Agency (EPA) has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases, that are likely to have major effects on the economy, jobs and the competitiveness of the United States in worldwide markets; and

WHEREAS, The EPA's regulatory activity concerning air quality and greenhouse gases has become known as the "train wreck," because of the numerous and overlapping requirements and because of the potentially devastating consequences this regulatory activity may have on the economy; and

WHEREAS, Concern is growing that, with cap-and-trade legislation having failed in Congress, the EPA is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, Over-regulation by the EPA is driving jobs and industry out of the United States; and

WHEREAS, Neither the EPA nor the Administration has undertaken any comprehensive study of what the cumulative effect of all of this new regulatory activity will have on the economy, jobs and competitiveness; and

WHEREAS, The EPA has not performed any comprehensive study of what the environmental benefits of its greenhouse regulation will be in terms of impacts on global climate; and

WHEREAS, State agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, Since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011 to 2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, The legislature supports continuing improvements in the quality of the nation's air and believes that such improvements can be made in a sensible fashion without damaging the economy as long as there is a full understanding of the cost of the regulations at issue; and

WHEREAS, The primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will

lead to the creation of jobs; and

WHEREAS, Public health and welfare will suffer without significant new job creation and economic improvement, because people with good jobs are better able to take care of themselves and their families than the unemployed and because environmental improvement is only possible in a society that generates wealth: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we urge Congress to adopt legislation prohibiting the EPA, by any means necessary, from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities; and

Be it further resolved: That we urge Congress to impose a moratorium on promulgation of any new air quality regulation by the EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and

Be it further resolved: That we urge Congress to require the Administration to undertake a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs and American economic competitiveness. This study should be a multi-agency study drawing on the expertise both of the EPA and of agencies and departments having expertise in, and responsibility for, the economy and the electric system and should provide an objective cost-benefit analysis of all of the EPA's current and planned regulations together; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall be directed to provide enrolled copies of this resolution to the EPA, the President of the United States, the Kansas Congressional Delegation, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate and the Minority Leader of the United States Senate.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2100, AN ACT concerning school districts; relating to supplemental general state aid; relating to consolidated or disorganized school districts; amending K.S.A. 2010 Supp. 72-6434b and repealing the existing section, by Committee on Education.

HB 2101, AN ACT concerning the courts; relating to the court of appeals; appointment of judges; amending K.S.A. 20-3006 and and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008, 20-3009 and 20-3010, by Representatives Kinzer, Collins, Gregory, Huebert, Kelley, Mast, Meigs, O'Brien, O'Hara, Patton, Peck, Rhoades, Rubin, Ryckman, Siegfreid, Suellentrop and B. Wolf.

HB 2102, AN ACT concerning certain open records; relating to nondisclosure of certain records; amending K.S.A. 2010 Supp. 45-221 and repealing the existing section, by Committee on Judiciary.

- **HB 2103**, AN ACT concerning children in need of care; relating to termination of parental rights; amending K.S.A. 2010 Supp. 38-2269 and repealing the existing section, by Committee on Children and Families.
- **HB 2104**, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2010 Supp. 65-5603 and repealing the existing section, by Committee on Corrections and Juvenile Justice.
- **HB 2105**, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a, by Committee on Children and Families.
- **HB 2106**, AN ACT concerning trespass and liability; exceptions, by Committee on Federal and State Affairs.
- **HB 2107**, AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.
- **HB 2108**, AN ACT concerning state government; relating to the transfer of all powers, duties and functions of the adult protective services program of the department of social and rehabilitation services to the office of the attorney general of the state of Kansas, by Committee on Aging and Long Term Care.
- **HB 2109**, AN ACT concerning the state conservation commission; relating to the Kansas dam rehabilitation program, by Committee on Agriculture and Natural Resources.

REPORT ON ENROLLED RESOLUTIONS

HR 6005, HR 6006, HR 6007 reported correctly enrolled and properly signed on January 26, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, January 27, 2011.

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, January 27, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Denning, Mosier and Suellentrop were excused on legislative business. Reps. Donohoe and D. Gatewood were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Bill LaPorte, Moran Christian Church, Moran, and guest of Rep. Otto:

Father we gather here today in this chamber in gratitude that you are God and you alone have created all men equal and endowed us with our inalienable rights. We gather here today mindful that the laws of nature and of nature's God hold all of us and call us great and small, rich and poor, powerful and weak to be accountable for our thoughts and our actions.

Confessing Father that you alone are the source of the self-evident truths of equality and individual rights, upon which our liberty in the United States of America is founded, I humbly ask your blessings of wisdom and protection upon all our elected and appointed officials from Washington D.C. to the Kansas Governor's Office, to the Kansas State House, to the Kansas Courts; from the Courthouses, to our schools, and into the security and sanctity of our own homes. For the military, the police, and all security personnel who are standing faithful watch risking their lives for us, I ask that you would be their shield and rear guard, granting them the wisdom to be successful in their faithful and righteous mission to preserve, protect and defend the peaceful and tranquil pursuit of life, liberty and happiness.

Father, heal our land. Forgive us our sins and forgive those who sin against us. Renew in us the same spirit of liberty embodied in President Lincoln's timeless and healing vision, "That this nation, under God, shall have a new birth of freedom." Guide our stewardship of our state's resources and its bounty. Help us to be a people who walk humbly before you and practice in all sincerity and righteousness our love for you and our love for our neighbor.

Instill is us the spirit of generous love for the elderly, the needy, and our children's education and well being. Grant us the strength of character to respect and defend the lawful rights of all mankind.

Father, as our elected officials gather here in the Kansas State Legislature I appeal to you, the Supreme Judge of the world, for the rectitude of their intentions and "We the people" they represent that our laws and the enforcements thereof may be just and righteous, our discourse civil, our behavior and thoughts wholesome, righteous and good.

Father we need your divine providence and protection daily. Lead us not into temptation but deliver us from evil. Guide us in the paths of righteousness for your name's sake/

Father I humbly offer these confessions, these requests, these petitions, and this prayer with a firm reliance in the name of nature's God, Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Garber.

Kansas Trivia Question – The Kansas flag has a wreath above the state seal. What does the wreath represent?

Answer: Kansas as a part of the Louisiana Purchase of 1803.

INTRODUCTION OF GUESTS

Rep. Ward introduced members of the Junior ROTC Program from Wichita who are spending the day at the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2110, AN ACT concerning the state long-term care ombudsman; relating to the Kansas soldiers' home and Kansas veterans' home; establishing an advisory committee on advocacy options within the home; amending K.S.A. 2010 Supp. 75-7303 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2111, AN ACT concerning child care; amending K.S.A. 2010 Supp. 39-7,129, 59-29a11, 65-503, 65-504, 65-505, 65-506, 65-508, 65-512, 65-516, 65-516, as amended by section 15 of this act, 65-523, 65-524, 65-526, 65-530 and 65-531 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 65-525 as amended by section 13 of chapter 161 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 65-504a, 65-516b, 65-530a, 65-532, 65-533 and 65-534, by Committee on Children and Families.

HB 2112, AN ACT concerning taxation; relating to state property tax levy for state institutions for care of certain persons and children; amending K.S.A. 2010 Supp. 76-6b04 and repealing the existing section, by Committee on Vision 2020.

HB 2113, AN ACT concerning taxation; relating to state property tax levy for institutions of higher education; amending K.S.A. 76-6b02 and K.S.A. 2010 Supp. 76-6b01 and repealing the existing sections, by Committee on Vision 2020.

HB 2114, AN ACT concerning retirement and pensions; relating to the Kansas police

and firemen's retirement system; vesting; amending K.S.A. 2010 Supp. 74-4963a and repealing the existing section, by Committee on Vision 2020.

- **HB 2115**, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, by Representative Sloan.
- **HB 2116**, AN ACT concerning taxation; establishing state property tax levy for state water infrastructure; relating to purposes; rate; authorized uses; disposition of moneys, by Committee on Vision 2020.
- **HB 2117**, AN ACT concerning sales taxation; relating to imposition of tax; exemptions; amending K.S.A. 2010 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.
- **HB 2118**, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2119**, AN ACT concerning emergency medical services; relating to accident response service fees; amending K.S.A. 80-1557 and repealing the existing section, by Committee on Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2108**.

Agriculture and Natural Resources: HB 2096 (separately); 2099, 2109.

Children and Families: **HB 2103** (separately); **HB 2105**. Commerce and Economic Development: **HB 2092**. Corrections and Juvenile Justice: **HB 2098, 2104**.

Education Budget: HB 2100.

Energy and Utilities: HB 2097; HR 6008.

Federal and State Affairs: HB 2107.

Health and Human Services: HB 2094, HB 2095.

Judiciary: HB 2101, HB 2102; HB 2103 (separately); HB 2106.

Transportation: HB 2093.

Vision 2020: HB 2096 (separately).

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 36 By Governor Sam Brownback January 27, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

In these difficult economic times, state government must be organized to market our state's assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

- 1) Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 et seq. as the Department of Wildlife, Parks and Tourism.
- Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.
- 3) Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.

As I said in my State-of-the State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Executive Reorganization Order No. 36 By Governor Sam Brownback Transmitted January 27, 2011

- Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 *et seq.* is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife, parks and tourism.
- (b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.
- (c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.
- (d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.

- (e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.
- Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall be in the unclassified service under the Kansas civil service at and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism with the approval of the governor. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.
- (b) The position of assistant secretary for operations as established by K.S.A. 32-802 is hereby abolished.
- Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.
- (b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.
- (2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.
- Sec. 4. (a) The division of travel and tourism development of the department of commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.
- (b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.
- Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 3 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas

department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.

- (b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.
- (c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the director of tourism of the Kansas department of wildlife, parks and tourism.
- (d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.
- Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.
- Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance

of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

- Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.
- (b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.
- (c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.
- Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 27th day of January 2011

BY THE GOVERNOR SAM BROWNBACK

Kris W. Kobach Secretary of State Mary Diane Minear Assistant Secretary of State

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2001, HB 2057 be passed.

Committee on Transportation recommends HB 2033 be passed.

On motion of Rep. Siegfreid, the House adjourned until 10:30 a.m., Friday, January 28, 2011.

Journal of the House

FOURTEENTH DAY

Hall of the House of Representatives, Topeka, KS, Friday, January 28, 2011, 10:30 a.m.

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

The roll was called with 112 members present.

Rep. Suellentrop was excused on legislative business.

Reps. Bollier, Brookens, Donohoe, D. Gatewood, Henderson, Hill, M. Holmes, Kiegerl, Peterson, Ruiz, Slattery and B. Wolf were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, This week we celebrate our sesquicentennial. Thank You for Your faithfulness and multiple blessings upon this state. Thank you that Kansas was a place in the late 1800's where people of all faiths and cultures felt comfortable enough to come and call it home. In the harsh days of the 1930's when the dust storms swept over our land. thank You for protecting our people and instilling a spirit of determination, strength and stamina to endure hardships. Thank You for blessing our land with golden wheat to allow us to feed millions around the world. Help us to celebrate the past, but not live in it. Helps us to learn from the past, but not repeat it. Help us to build upon the rich foundation of the past to prepare for a stronger and brighter future. And as for the Kansas Sunflower State showdown, I pray that one of the teams will be able to change the patterns of past history and begin a new trend for the future. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lane.

Kansas Trivia Question – Washburn University in Topeka honored a Massachusetts philanthropist when it changed its name from what? How did Washburn make his money?

Answer: Lincoln College. Washburn made his living manufacturing barbed wire.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2120, AN ACT establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other agencies; amending K.S.A. 2010 Supp. 75-2973 and 75-4319 and repealing the existing sections, by Committee on Government Efficiency.

HB 2121, AN ACT concerning cremation; relating to the authority of coroners to issue permits; amending K.S.A. 65-2426a and repealing the existing section, by Committee on Appropriations.

HB 2122, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161 and 79-34,164 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2123, AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of sympathy, compassion or benevolent acts by health care providers not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Representative Sloan.

HB 2124, AN ACT concerning certified public accountants; relating to corporations practicing in partnership; amending K.S.A. 2010 Supp. 1-308 and repealing the existing section, by Representative Cassidy.

HB 2125, AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, by Committee on Commerce and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Aging and Long Term Care: **HB 2110**. Agriculture and Natural Resources: **ERO 36**. Corrections and Juvenile Justice: **HB 2118**. Health and Human Services: **HB 2111**.

Judiciary: HB 2115.

Local Government: **HB 2119**. Pension and Benefits: **HB 2114**

Taxation: HB 2112, HB 2113, HB 2116, HB 2117.

MESSAGE FROM THE SENATE

Announcing adoption of SCR 1602.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Siegfried, SCR 1602, congratulating the State of Kansas on the Sesquicentennial of its Admission to the Union of the United States of America, was thereupon introduced and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Commerce and Economic Development recommends HB 2054 be amended on page 3, in line 19, by striking all after "All"; by striking all in line 20; in line 21 by striking all before "powers"; in line 25 by striking "(3) and inserting "(2);

On page 20, in line13 by striking "department" and inserting "department";

On page 24, by striking all in lines 36 and 37;

On page 25, in line11 by striking "board of regents" and inserting "department of commerce"; in line 35, by striking "board of regents" and inserting "department of commerce":

On page 26, in line 11 by striking "board of regents" and inserting "department of commerce"; in line 21 by striking "board of regents" and inserting "department of commerce"; in line 29 by striking "board of regents" and inserting "department of commerce"; in line 31 by striking "board of regents" and inserting "department of commerce"; in line 33 by striking "board of regents" and inserting "department of commerce":

On page 27, in line 1 by striking "board of regents" and inserting "department of commerce"; in line 12 by striking "board of regents" and inserting "department of commerce"; in line 13 by striking "board of regents" and inserting "department of commerce"; in line 14 by striking "board of regents" and inserting "department of commerce"; in line 17 by striking "board of regents" and inserting "department of commerce"; in line 28 by striking "board of regents" and inserting "department of commerce"; in line 35 by striking "board of regents" and inserting "department of commerce"; in line 41 by striking "board of regents" and inserting "department of commerce":

On page 32, in line 5 by striking "of the secretary";

On page 59, in line 29 by striking "11" and inserting "10"; and the bill be passed as amended.

Committee on Commerce and Economic Development recommends HB 2088 be amended on page 1, in line 21, after "protection" by inserting "sprinkler"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2056** be passed and because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar

REPORT OF STANDING COMMITTEE

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

Request No. 4, by Representative Carlson, congratulating Agnes (Carlson) Lacock

on her 100th birthday;

Request No. 5, by Representative Carlin, congratulating Manhattan High School 2010 Volleyball Team on winning the 6A Kansas State Volleyball Championship;

Request No. 6, by Representative Johnson, congratulating Ethan Moravek on achieving the rank of Eagle Scout;

Request No. 7, by Representative Johnson, congratulating Valentine and Frank Fabricius on their 90th birthdays;

Request No. 8, by Representative Cassidy, commending Bonnie Cram for outstanding service to the Republican Party in both the State of Kansas and Cheyenne County;

Request No. 9, by Representative Hermanson, congratulating Matt Lashley on outstanding public service;

Request No. 10, by Representative Hermanson, recognizing Lisa Wisdom as an outstanding campaign manager;

Request No. 11, by Representative Hermanson, recognizing Dan Kerschen and family for friendship above and beyond the call of duty;

Request No. 12, by Representative Bowers, congratulating Dr. Monte Wentz for receiving the 2010 Concordia Area Chamber of Commerce Business Person of the Year award:

Request No. 13, by Representative Bowers, congratulating Lorene Frasser on her 100th birthday;

Request No. 14, by Representative Goodman, congratulating Nicolas and Evelyn Aguilar on celebrating their 50th wedding anniversary January 21, 2011;

Request No. 15, by Representative Bowers, commending Judie Deal for receiving the 2010 Leon Gennette Lifetime Achievement Community Service Award;

Request No. 16, by Representative Bowers, commending the Nels Ferguson family in recognition of the preservation of four stone masonry tools used in construction of the State Capitol Building in the mid 1800's:

Request No. 17, by Representative Hayzlett, congratulating Mabel Grusing on her 90th birthday;

Request No. 18, by Representatives Finney and Brunk, congratulating Donovan Duggins for winning the 2010 Red Robin Kids' Cook-off Championship with his "Mt. Vesuvius" burger;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2126, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 2-624, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010,

25-2018, 25-2023, 25-2102, 25-2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 24-459, 24-506, 25-1122, 25-2108a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038 and 25-2107 and K.S.A. 2010 Supp. 14-201, by Representatives Huebert, Arpke, Billinger, Boman, Brown, Brunk, Crum, DeGraaf, Donohoe, Fund, Garber, Goico, Gonzalez, Gregory, Hedke, Hermanson, Hildabrand, M. Holmes, Howell, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Prescott, Rhoades, Rubin, Scapa, Seiwert, Siegfreid, Swanson, Vickrey and Ryckman.

HB 2127, AN ACT concerning municipalities; authorization to demand coordination of federal and state governments with local laws and regulations, by Committee on Federal and State Affairs.

In celebration of the 150th birthday of the State of Kansas on January 29, 2011, Rep. Ballard led the members of the House in singing "Home on the Range."

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Monday, January 31, 2011.

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, MONDAY, January 31, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Crum, Mosier, Peterson and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Thank you for a fresh start of a new week.
The momentum is increasing
and schedules are getting busier.
Busy schedules often beget exhaustion;
exhaustion begets frustration;
frustration begets impatience;
impatience begets a critical spirit;
and a critical spirit begets unkindness.
So, as we start a brand new week,
remind us daily
that our words and actions toward others
will have much more of a lasting impact
than our to-do lists and busy calendar.
In Jesus' name I pray, Amen.

The Pledge of Allegiance was led by Rep. Kelly.

Kansas Trivia Question – In 1882 Jewish immigrants established a colony in Hodgeman County in Southwest Kansas. Four years later they abandoned the town; some moved to nearby settlements of Ravenna, Emminence, and Kalvesta. What was the name of the Jewish ghost town?

Answer: Beersheba

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2128, AN ACT concerning elections; relating to public service advertisements by candidates, by Committee on Elections.

HB 2129, AN ACT enacting the health care freedom act, by Representatives Landwehr, Mosier, Denning, Rubin, Alford, Arpke, Boman, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, DeGraaf, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades, Ryckman, Scapa, Schwartz, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Vickrey, B. Wolf, K. Wolf and Worley.

HOUSE CONCURRENT RESOLUTION No. HCR 5007—

By Representatives Landwehr, Mosier, Denning, Rubin, Alford, Arpke, Boman, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades, Ryckman, Scapa, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Vickrey, Weber and B. Wolf

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 thereto to read as follows:

"Article 16. – HEALTH CARE

- **"§1. Health care.** (a) To preserve the freedom of Kansans to provide for their health care:
- "(1) A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system or purchase health insurance.
- "(2) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.
- "(b) Subject to reasonable and necessary rules that do not substantially limit a person's options, the purchase or sale of private health insurance or the participation in private health care systems shall not be prohibited by law or rule.
 - "(c) This section does not:
- "(1) Affect which health care services a health care provider or hospital is required to perform or provide.
 - "(2) Affect which health care services are permitted by law.

- "(3) Prohibit care provided pursuant to the provisions relating to workers compensation.
- "(4) Prohibit care provided pursuant to the provisions relating to state employee benefit programs.
 - "(5) Affect laws or rules in effect as of August 1, 2009.
- "(6) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing or penalizing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.
 - "(d) For the purposes of this section:
 - "(1) "Compel" includes penalties or fines.
- "(2) "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.
- "(3) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.
- "(4) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.
- "(5) "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this health care freedom amendment is to preserve constitutionally the right and freedom of Kansans to provide for their health care. This proposition would not affect which health care services a health care provider or hospital is required to perform or provide; would not affect which health care services are permitted by law; would not prohibit care provided pursuant to the general provisions relating to workers compensation; would not prohibit care pursuant to the provisions relating to state employee benefit programs; would not affect laws or rules in effect as of August 1, 2009; or would not affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services. Nothing in this amendment is meant to discourage anyone from purchasing health insurance.

"A vote for this proposition would preserve constitutionally the right of a person, employer or health care provider to be free from laws or rules compelling participation in any health care system; preserve constitutionally the right of a person or employer to purchase lawful health care services directly from a health care provider; preserve constitutionally the right of a health care provider to accept direct payment from a person or employer for lawful health care services; and preserve constitutionally the

right to have the ability to purchase or sell health insurance in private health care systems.

"A vote against this proposition would provide for no constitutional right of a person, employer or health care provider to be free from laws and rules compelling participation in any health care system; would provide for no constitutional right of a person or employer to purchase lawful health care services directly from a health care provider; would provide for no constitutional right of a health care provider to accept direct payment from a person or employer for lawful health care services; and would provide for no constitutional right to have the ability to purchase or sell health insurance in private health care systems."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Economic Development: HB 2125.

Elections: HB 2126

Energy and Utilities: HB 2122. Financial Institutions: HB 2124. Government Efficiency: HB 2120. Judiciary: HB 2121, HB 2123. Local Government: HB 2127

CONSENT CALENDAR

No objection was made to **HB 2056** appearing on the Consent Calendar for the first day.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2130, AN ACT concerning labor organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2131, AN ACT concerning employment; relating to misclassification of employees; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2132, AN ACT relating to motor vehicles; providing for the issuance of gold star

family license plates; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2133, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Joint Committee on Special Claims Against the State.

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

EARLY EVENING SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2134, AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-534a, 44-536 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511 and 44-523 and repealing the existing sections; also repealing K.S.A. 44-510a and 44-520a, by the Committee on Commerce and Economic Development.

HB 2135, AN ACT concerning taxation; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section; also repealing K.S.A. 2010 Supp. 44-766, by Committee on Commerce and Economic Development.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2014** be amended: On page 1, in line 8, by striking "year" and inserting "years"; in line 9, before "appropriations" by inserting "June 30, 2012, and June 30, 2013,";

On page 2, by striking all in lines 33 through 43;

On page 3, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

On page 4, following line 5, by inserting the following:

"(c) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such

inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: *Provided further*, That, on or before March 8, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and the chairs of the committee on appropriations of the house of representatives and the committee on ways and means of the senate.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.";

On page 6, in line 31, by striking "\$371,426" and inserting "\$300,000";

On page 10, by striking all in lines 32 through 41;

On page 11, by striking all in lines 3 through 7, and inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operations (including legislative post audit committee)...........\$39.587":

On page 14, in line 13, before the period, by inserting ": Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: Provided further. That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority"; in line 18, before the period, by inserting ": Provided. That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority"; in line 23, before the period, by inserting ": Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the dependent care assistance program fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority"; following line 38, by inserting the following:

"(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Pregnancy maintenance initiative.....\$100,000";

On page 15, in line 32, by striking "\$183,370" and inserting "\$180.370":

On page 20, in line 18, before "DEPARTMENT" by inserting "KANSAS"; in line 23, by striking "\$73,240" and inserting "\$65,000"; in line 28, by striking "\$11,290" and

inserting "\$7,000"; in line 33, by striking "\$6,748" and inserting "\$4,000"; following line 33, by inserting the following:

"(d) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade\$70,950

(e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade \$378.400

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade\$23,650

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair......\$260,000";

Also on page 20, following line 38, by inserting the following: "Sec. 49.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Project safe neighborhoods fund.....\$114,408

Social security administration reimbursement – federal fund.................No limit

Sec. 50. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any professional or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and

reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

- Sec. 51. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed: Provided, however, That the lapse provided for in this subsection (a)(1) shall not apply to the appropriations or reappropriations for fiscal year 2011 in any account of the state general fund for the state board of regents or any regents state agency, as defined by this section
- (2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year

2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

- (b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903,75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: Provided, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: Provided further, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: And provided further. That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: And provided further, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.
- (d) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of the state board of regents and of each regents state agency, as defined by this section, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is

budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research, the director of the budget shall certify the amount equal to 7.5% of the amount so determined in each such account to the director of accounts and reports in accordance with this subsection: *Provided*, That, upon receipt of such certification, the director of accounts and reports shall transfer each amount certified from the respective account of the state general fund of each regents state agency, as defined by this section, to a deferred maintenance support account of the state general fund, which is hereby established for such regents state agency and which is hereby appropriated from the state general fund for fiscal year 2011: Provided further, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount certified to be transferred from each account of the state general fund of the state board of regents to the deferred maintenance support account of the state general fund of each regents state agency, as defined by this section, which shall be the proportional amount determined and specified by the director of the budget for such regents state agency in such certification, after consultation with the director of legislative research, as bearing the same relation to the total amount to be transferred from the account of the state board of regents as the amount transferred to the deferred maintenance support account of the state general fund of the regents state agency from all other accounts of the state general fund of that regents state agency bears to all amounts transferred to deferred maintenance support accounts of the state general fund of all regents state agencies pursuant to this subsection: And provided further. That all expenditures from each deferred maintenance support account of the state general fund established for a regents state agency under this subsection shall be for the same uses and purposes and under the same procedures and authorizations as expenditures made from the deferred maintenance support fund of such regents state agency.

- (e) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas, and in any case "state officer" includes all

salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;

- (3) "regents state agency" means the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and
- (4) "compensation" means any salary or per diem compensation provided by law for a state officer.
- Sec. 52. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for executive branch employees, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed: *Provided, however*. That the lapse provided for in this subsection (a) (1) shall not apply to the appropriations or reappropriations for fiscal year 2011 in any account of the state general fund for the state board of regents or any regents state agency, as defined by this section.
- (2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for executive branch employees, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the

legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for executive branch employees, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903,75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each executive branch employee is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*. That the secretary of administration shall ensure that such reductions to the rate of compensation of the executive branch employee subject to the provisions of this section for the fiscal year 2011 have been implemented: And provided further. That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: And provided further, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for executive branch employees, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

- (d) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of the state board of regents and of each regents state agency, as defined by this section, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for executive branch employees, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research, the director of the budget shall certify the amount equal to 7.5% of the amount so determined in each such account to the director of accounts and reports in accordance with this subsection: Provided, That, upon receipt of such certification, the director of accounts and reports shall transfer each amount certified from the respective account of the state general fund of each regents state agency, as defined by this section, to a deferred maintenance support account of the state general fund, which is hereby established for such regents state agency and which is hereby appropriated from the state general fund for fiscal year 2011: Provided further, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount certified to be transferred from each account of the state general fund of the state board of regents to the deferred maintenance support account of the state general fund of each regents state agency, as defined by this section, which shall be the proportional amount determined and specified by the director of the budget for such regents state agency in such certification, after consultation with the director of legislative research, as bearing the same relation to the total amount to be transferred from the account of the state board of regents as the amount transferred to the deferred maintenance support account of the state general fund of the regents state agency from all other accounts of the state general fund of that regents state agency bears to all amounts transferred to deferred maintenance support accounts of the state general fund of all regents state agencies pursuant to this subsection: And provided further, That all expenditures from each deferred maintenance support account of the state general fund established for a regents state agency under this subsection shall be for the same uses and purposes and under the same procedures and authorizations as expenditures made from the deferred maintenance support fund of such regents state agency.
- (e) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and

amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas:

- (3) "regents state agency" means the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and
- (4) "compensation" means any salary or per diem compensation provided by law for a state officer; and
- (5) "executive branch employee" means an employee of a state agency within the executive branch of state government who has an annual rate of compensation that is equal to or more than \$100,000 for fiscal year 2011 and who is not a state officer, as defined by this section.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "year" and inserting "years"; in line 2, before "for" by inserting "June 30, 2012, and June 30, 2013,"; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends HB 2049 be amended on page 1, following line 4, by inserting:

- "Section 1. K.S.A. 2010 Supp. 21-36a05 is hereby amended to read as follows: 21-36a05. (a) It shall be unlawful for any person to cultivate, distribute or possess with the intent to distribute any of the following controlled substances or controlled substance analogs thereof:
- (1) Opiates, opium or narcotic drugs, or any stimulant designated in subsection (d) (1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;
- (2) any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;
- (3) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;
- (4) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto:
- (5) any substance designated in subsection (g) of K.S.A. 65-4105 and subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or
- (6) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto; or
- (7) any substance designated in subsection (h) of K.S.A. 65-1504, and amendments thereto.
 - (b) It shall be unlawful for any person to distribute or possess with the intent to

distribute a controlled substance or a controlled substance analog designated in K.S.A. 65-4113, and amendments thereto.

- (c) (1) Violation of subsection (a) is a drug severity level 3 felony, except that:
- (A) Violation of subsection (a) is a drug severity level 2 felony if the trier of fact makes a finding that the offender is 18 or more years of age and the substance was distributed to or possessed with intent to distribute to a minor or the violation occurs on or within 1,000 feet of any school property;
- (B) violation of subsection (a)(1) is a drug severity level 2 felony if that person has one prior conviction under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction; and
- (C) violation of subsection (a)(1) is a drug severity level 1 felony if that person has two prior convictions under subsection (a)(1), under K.S.A. 65-4161 prior to its repeal, or under a substantially similar offense from another jurisdiction.
- (2) Violation of subsection (b) is a class A nonperson misdemeanor, except that, violation of subsection (b) is a drug severity level 4 felony if the substance was distributed to or possessed with the intent to distribute to a child under 18 years of age.
- (d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.
- Sec. 2. K.S.A. 2010 Supp. 21-36a06 is hereby amended to read as follows: 21-36a06. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or a controlled substance analog thereof.
- (b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:
- (1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto:
- (2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;
- (3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto;
- (4) any substance designated in subsection (g) of K.S.A. 65-4105 and subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto;
- (5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto; Θ
 - (6) any substance designated in K.S.A. 65-4113, and amendments thereto; or
- (7) any substance designated in subsection (h) of K.S.A. 65-1405, and amendments thereto.
 - (c) (1) Violation of subsection (a) is a drug severity level 4 felony;
- (2) violation of subsection (b) is a class A nonperson misdemeanor, except that, violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 4 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162 prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance

involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana or tetrahydroeannabinol as designated in subsection (d) of K.S.A. 65-4105, and amendments thereto, or tetrahydrocannabinol in subsection (h) of K.S.A. 65-4150, and amendments thereto.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.";

And by renumbering sections accordingly;

On page 8, in line 1, after "Supp." by inserting "21-36a05, 21-36a06 and"; also in line 1, by striking "is " and inserting "are";

On page 1, in the title, after "Supp." by inserting "21-36a05, 21-36a06 and"; in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on Education recommends HB 2020 be passed.

Committee on **Rules and Journal** recommends **HR 6004** be amended by substituting a new resolution to be designated as "Substitute for House Resolution No. **6004**." as follows:

"Substitute for House Resolution No. **6004**By Committee on Rules and Journal

A RESOLUTION adopting permanent rules of the House of Representatives for 2011-2012 biennium."; and the substitute resolution be adopted.

(Sub. HR 6004 was thereupon introduced and read by title).

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, February 2, 2011.

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 3, 2011, 11:00 a.m.

The Legislature was not in session Tuesday, February 1, and Wednesday, February 2, because of inclement weather.

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

The roll was called with 123 members present.

Rep. M. Holmes was excused on verified illness.

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

Prayer by Chaplain Brubaker:

Our Heavenly Father,

I think it rather ironic that this past Monday
I prayed about the momentum increasing
and asked that You help us through the busyness.
Then everything was brought to a halt for two days
as Your creation wreaked havoc across the state.
It reminds me of Your Word where it says,
"In his heart a man plans his course,
But the Lord determines his steps."

(Proverbs 16:9, NIV)
Whatever comes our way today,
whatever plans we may have made;
We ask that You guide our steps
and lead us in the direction of Your will.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hermanson.

Kansas Trivia Question – Dr. Roger Barker, chairman of the psychology department at the University of Kansas, spent years studying the social interactions of a Kansas town he called "Midwest." What is the real name of the town that served as his field laboratory?

Answer: Oskaloosa

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2136, AN ACT concerning certain prescription medications; relating to health insurance coverage for prescription medications; establishing an unlawful discriminatory practice relating to certain prescription medications; amending K.S.A. 44-1009 and K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2133**.

Commerce and Economic Development: HB 2130, HB 2131, HB 2134, HB 2135.

Elections: HB 2128.

Health and Human Services: HB 2129; HCR 5007.

Transportation: HB 2132.

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 35 as Corrected By Governor Sam Brownback February 3, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 35 as corrected is the corrected version of Executive Reorganization Order No. 35 as transmitted on January 25, 2011, which contained drafting errors.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor's Committee on Employment of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor's office so that the community's concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

CORRECTED

Executive Reorganization Order No. 35 By Governor Sam Brownback Transmitted February 3, 2011

- Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission
- Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 *et seq.* and amendments thereto are hereby transferred to and imposed upon the commission.
- Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.
- (b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.
- (c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law.
- Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.
- Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The commission attached to the office of governor shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the commission attached to the office of governor. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be

final.

- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 7. (a) All officers and employees of the commission who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the executive director of the commission attached to the office of governor to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the commission attached to the office of governor. All classified employees so transferred shall retain their status as classified employees.
- (b) Officers and employees of the commission transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.
- Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 3rd day of February 2011.

BY THE GOVERNOR SAM BROWNBACK

Kris W. Kobach Secretary of State Eric Rucker Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 36 as Corrected By Governor Sam Brownback February 3, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 36 as corrected is the corrected version of Executive Reorganization Order No. 36 as transmitted on January 27, 2011, which contained drafting errors.

In these difficult economic times, state government must be organized to market our state's assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

- 1. Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 *et seq.*, as the Department of Wildlife, Parks and Tourism.
- 2. Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.
- 3. Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.

As I said in my State-of-the State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

CORRECTED EXECUTIVE REORGANIZATION ORDER NO. 36 By Governor Sam Brownback Transmitted February 3, 2011

- Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 *et seq.* is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife parks and tourism.
- (b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife

and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.

- (c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.
- (d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.
- (e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.
- Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism with the approval of the governor. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.
- (b) The position of assistant secretary for operations as established by K.S.A. 32-802 is hereby abolished.
- Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.
- (b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.
- (2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.
 - Sec. 4. (a) The division of travel and tourism development of the department of

commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.

- (b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.
- Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 4 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.
- (b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.
- (c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the director of tourism of the Kansas department of wildlife, parks and tourism.
- (d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

- Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.
- Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.
- Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.
- (b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the department of commerce prior to the date of transfer.

- (c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.
- Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka Under the Great Seal of the State of Kansas this 3rd day of February 2011.

BY THE GOVERNOR SAM BROWNBACK

Kris W. Kobach Secretary of State Eric Rucker Assistant Secretary of State

COMMUNICATIONS FROM STATE OFFICERS

From Nick Jordan, Secretary of Revenue, Kansas Department of Revenue, as required by K.S.A. 79-32,252(b)(3), Annual Report, Declared Disaster Capital Investment Tax Credit.

From Thomas E. Wright, Chairman, and Ward Loyd, Commissioner, Kansas Corporation Commission, as required by K.S.A. 2009 Supp. 66-2005 as amended by SB 350 and HB 2637 which were enacted by the 2006 and 2008 Legislatures, respectively, 2011 Report to the Kansas Legislature on Price Deregulation, February 1, 2011.

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

CONSENT CALENDAR

No objection was made to **HB 2056** appearing on the Consent Calendar for the second day.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted:

Recommended that HB 2001, HB 2033, HB 2057 be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2017** be amended on page 1, in line 26, after "act." by inserting "This section shall be applicable to school year 2012-2013 and each school year thereafter."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2018** be amended on page 1, by striking all in lines 23 and 24; in line 25, after "subsection" by inserting "(a)"; in line 26, by striking "school year for which the appropriation for general state aid is"; by striking all in line 27; in line 28, by striking "equal to or greater than \$4,492"; and inserting "commencement of the 2012-2013 school year"; in line 29, after "subsection" by inserting "(b)"; also in line 29, after "the" by inserting "2012-2013"; in line 30, by striking "for which the appropriation for general state aid is sufficient"; by striking all in line 31; in line 32, by striking "or greater than \$4,492"; and inserting "and for each school year thereafter";

On page 2, in line 4, by striking ".007" and inserting ".7"; by striking all in line 31; by striking all in lines 33 and 34; in line 35, by striking "or greater than \$4,492"; and inserting "commencement of the 2012-2013 school year"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2137**, AN ACT concerning children and minors; establishing the protective parent reform act; amending K.S.A. 2010 Supp. 38-2226 and 38-2230 and repealing the existing sections, by Committee on Children and Families.
- **HB 2138**, AN ACT concerning crimes and punishment; relating to burglary; amending section 93 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, by Committee on Corrections and Juvenile Justice.
- **HB 2139**, AN ACT concerning insurance; relating to rates and rate modifications for workers compensation insurance; amending K.S.A. 40-2109 and repealing the existing section, by Committee on Insurance.
- **HB 2140**, AN ACT concerning expired committees, commissions, and task forces; amending K.S.A. 2010 Supp. 65-1,177 and repealing the existing sections; also repealing K.S.A. 12-5309, 46-2701, 46-3201, and 66-1226 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923 and 46-3702, by Committee on Special Committee on Legislative Streamlining.
 - HB 2141, AN ACT concerning property; relating to instruments conveying interests

in wind or solar resources; amending K.S.A. 58-2272 and repealing the existing section, by Committee on Energy and Utilities.

HB 2142, AN ACT concerning children in need of care; relating to the powers of the court; amending K.S.A. 75-3330 and K.S.A. 2010 Supp. 38-2242, 38-2243, 38-2252, 38-2255, 38-2258, 38-2259, 38-2263, 38-2264 and 38-2270 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2255a and 38-2258a, by Committee on Children and Families.

HOUSE CONCURRENT RESOLUTION No. HCR 5008—

By Committee on Elections

- A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas, relating to the reapportionment of senatorial and representative districts.
- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:
 - Reapportionment of senatorial and representative districts. (a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the staterepresentative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session-Laws of Kansas. At its regular session in 20221992, and at its regular session every tenth year thereafter, the legislature shall by law shall reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial andrepresentative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.
 - (b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

- (c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.
- (d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.
- (e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:
- "Explanatory statement. The purpose of this amendment is to eliminate the adjustment of census taken by the United States bureau of the census regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.
- "A vote for this amendment would eliminate the adjustment of census taken by the United States bureau of the census regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.
- "A vote against this amendment would continue in effect the requirement for the adjustment of census taken by the United States bureau of the census regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Friday, February 4, 2011.

Journal of the House

SEVENTEENTH DAY

Hall of the House of Representatives, Topeka, KS, Friday, February 4, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 113 members present.

Reps. O'Neal and Sloan were excused on legislative business.

Reps. Aurand, Bollier, Finney, Hayzlett, M. Holmes, Huebert, Kelley, Kerschen, Weber and K. Wolfe were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God, today I pray Your Word as written in Proverbs 16. "A good leader motivates, doesn't mislead, doesn't exploit. God cares about honesty in the workplace, your business is His business. Good leaders abhor wrongdoing of all kinds; sound leadership has a moral foundation. Good leaders cultivate honest speech; they love advisers who tell them the truth. Good-tempered leaders invigorate lives; they're like spring rain and sunshine. *Get wisdom—it's worth more than money;* choose insight over income every time. The road of right living bypasses evil; watch your step and save your life." (Proverbs 16:10-13, 15-17, The Message) In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Slattery.

Kansas Trivia Question – It may sound like a joke, but it's true: the Kansas State Forest in Pottawatomie County has just one tree. What is it?

Answer: The Vieux Elm, which is nearly 300 years old and is the largest American elm.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2143, AN ACT concerning utilities; relating to electric generation, transmission and distribution facilities and recovery of costs for energy storage devices; amending K.S.A. 2010 Supp. 66-1239, 66-1240 and 66-1247 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2144, AN ACT concerning utilities; relating to natural gas public utilities; rates and charges, by Committee on Energy and Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Calendar and Printing: **HCR 5008**. Children and Families: **HB 2137**.

Corrections and Juvenile Justice: HB 2138.

Energy and Utilities: **HB 2141**. Government Efficiency: **HB 2140**. Insurance: **HB 2136**, **HB 2139**.

Judiciary: HB 2142.

COMMUNICATIONS FROM THE STATE OFFICERS

From Nick Jordan, Secretary, Kansas Department of Revenue, as required by K.S.A. 79-32-261(f), Annual Report on Higher Education Deferred Maintenance Tax Credit, January 31, 2011.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Report to the Kansas Legislature on Changes in Rates and Schedules. The report can be viewed at http://kcc.ks.gov/11 legis rpt.pdf.

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

MESSAGE FROM THE SENATE

Announcing passage of SB 13, SB 14, SB 15, SB 17, SB 40. Announcing adoption of HCR 5003, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 13, SB 14, SB 15, SB 17, SB 40.

CONSENT CALENDAR

No objection was made to **HB 2056** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Vickrey announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

On motion of Rep. Siegfreid, the House resolved into Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2020** be passed.

Committee report to **HB 2049** be adopted; and the bill be passed as a amended.

Committee report to **HB 2088** be adopted; also, on motion of Rep. Worley to rerefer the bill to Committee on Commerce and Economic Development, the motion did not prevail.

Also, on further motion of Rep. Worley to table **HB 2088** to be the first order of business on February 9 or the next following business day, the motion did not prevail.

Also, on motion of Rep. Worley to amend **HB 2088**, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute resolution on **Sub. HR 6004** be adopted; also, on motion of Rep. Grant to amend, the motion did not prevail. Also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Brookens, **Sub. HR 6004** be amended on page 30, in line 13, by adding after the word "online" the following phrase: "and all members shall be notified by email":

Also, roll call was demanded on motion of Rep. S. Gatewood to amend **Sub. HR 6004** on page 32, by striking all in lines 3 through 5;

On roll call, the vote was: Yeas 42; Nays 65; Present but not voting: 0; Absent or not voting: 18.

Yeas: Ballard, Bethell, Bowers, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grant, Henderson, Henry, Hill, Hineman, Kuether, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Pottorff, Roth, Ruiz, Schroeder, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Arpke, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Alford, Aurand, Bollier, Finney, Fund, Hayzlett, M. Holmes,

Huebert, Kelley, Kerschen, Lane, O'Neal, Peterson, Schwab, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. S. Gatewood did not prevail.

Also, on motion of Rep. Trimmer to amend Sub. HR 6004, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **Sub. HR 6004** on page 17, in line 6, after "2110" by inserting "and 2011"; On page 18, after line 12, by inserting:

"Rule 2111. Floor Amendments to Certain Tax Bills. Unless by majority consent to correct an error in drafting, no floor amendment to create a new tax exemption, credit or deduction or to increase or expand an existing tax exemption, credit or deduction that would be enacted in a bill, shall be in order, unless the amendment contains a provision reducing, by like or greater amount, a new or existing tax exemption, credit or deduction, a provision creating, by like or greater amount, a new tax, a provision increasing the rate of, by like or greater amount, an existing tax in another provision of such bill, or a provision reducing, by like or greater amount, expenditures that would otherwise be authorized in an appropriations bill, or any combination thereof."

On roll call, the vote was: Yeas 33; Nays 74; Present but not voting: 0; Absent or not voting: 18.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Phelps, Pottorff, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Roth, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. Frownfelter did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend **Sub. HR 6004** on page 32, in line 4, by striking "Caucuses of the House minority party may be closed as"; by striking all in line 5;

On roll call, the vote was: Yeas 32; Nays 71; Present but not voting: 1; Absent or not voting: 21.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: Otto.

Absent or not voting: Aurand, Bethell, Billinger, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Pottorff, Roth, Schwab, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. Davis did not prevail.

Also, on motion of Rep. Brookens, **Sub. HR 6004** be amended as amended by House Committee of the Whole in the amendment adopted on motion of Representative Brrokens, by striking "line13" and inserting "line 12";

Also, roll call was demanded on motion to recommend Sub. HR 6004 favorably for adoption.

On roll call, the vote was: Yeas 74; Nays 34; Present but not voting: 0; Absent or not voting: 17.

Yeas: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Schwartz, Sloan, Spalding, Weber, K. Wolf.

The motion prevailed and **Sub. HR 6004** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on Health and Human Services recommends HB 2129 be passed.

Committee on **Health and Human Services** recommends **HCR 5007** be amended on page 1, in line 21, after "fines" by inserting "nor prohibited from gaining state medical licensure,"; and the resolution be adopted as amended.

Committee on **Judiciary** recommends **HB 2028** be amended on page 1, in line 24, after "insured" by inserting ", or children of the insured's stepchild, either by blood or

law.

(c) This section shall be part of and supplemental to the Kansas uniform trust code."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2117** be amended on page 1, in line 12, by striking all after "5.7%"; by striking all in lines 13 through 16; in line 17, by striking all before "upon" and inserting a comma;

On page 6, after line 19, by inserting the following new section:

"Sec. 2. K.S.A. 2010 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of 5.7%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.";

And by renumbering sections accordingly;

Also on page 6, in line 20, by striking "is" and inserting "and 79-3703 are";

On page 1, in the title, in line 1, after "sales" by inserting "and use"; in line 2, after "79-3603" by inserting "and 79-3703"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 19, by Representative Alford, congratulating Rebecca Hicks in recognition for winning the Southwest Essay Award, League of Kansas Municipalities;

Request No. 20, by Representative Hayzlett, congratulating Samuel Ricketts, on being awarded the Eagle Scout Award;

Request No. 21, by Representative Hayzlett, congratulating Travis Powell, on being awarded the Eagle Scout Award;

Request No. 22, by Representative Hineman, congratulating Zane Ward on exhibiting the Catch-a-Calf Grand Champion, 2011 National Western Stock Show;

Request No. 23, by Representative Hineman, congratulating Hudson Stramel on exhibiting the Reserve Grand Champion Yorkshire Swine, 2011 National Western Stock Show;

Request No. 24, by Representative Bruchman, congratulating Deanna Rice on receiving the Girl Scouts Gold Award;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2145**, AN ACT concerning orders for relief of abuse; amending K.S.A. 2010 Supp. 60-3107 and repealing the existing section, by Committee on Aging and Long Term Care.
- **HB 2146**, AN ACT designating pallasitic peridot as the official gemstone of the state of Kansas, by Representative Grange.
- **HB 2147**, AN ACT concerning adult care homes, relating to the definition of a home plus residence or facility; amending K.S.A. 2010 Supp. 39-923 and repealing the existing section, by Committee on Aging and Long Term Care.
- **HB 2148**, AN ACT concerning continuing care retirement facilities; relating to continuing care contracts; disclosure statements; application fees; amending K.S.A. 40-2231, 40-2233 and 40-2235 and repealing the existing sections, by Committee on Aging and Long Term Care.
- **HB 2149**, AN ACT concerning the department of wildlife and parks; relating to land acquisition; amending K.S.A. 2010 Supp. 32-833 and repealing the existing section, by Committee on Agriculture and Natural Resources Budget.
- **HB 2150**, AN ACT concerning consumer protection; relating to automatic renewals of business services; amending K.S.A. 50-617 and repealing the existing section, by Committee on Commerce and Economic Development.
- **HB 2151**, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2152**, AN ACT concerning crimes, criminal procedure and punishment; relating to operating a vessel under the influence of drugs or alcohol; amending K.S.A. 32-1130 and repealing the existing section; also repealing K.S.A. 32-1131. , by Committee on Corrections and Juvenile Justice.
- **HB 2153**, AN ACT concerning electioneering communications, by Committee on Elections.
- **HB 2154**, AN ACT concerning certain state officers and employees; restricting employment in jobs not official duties, by Committee on Elections.
- **HB 2155**, AN ACT concerning elections; pertaining to the use of public service announcements, by Committee on Elections.
- **HB 2156**, AN ACT concerning income taxation; relating to corporations; rate of taxation; amending K.S.A. 2010 Supp. 79-32,110 and repealing the existing section, by

- Representatives Suellentrop, Brown, Brunk, Crum, DeGraaf, Denning, Goico, Grange, Hayzlett, Hedke, Hermanson, Hoffman, Huebert, Kelley, Kinzer, Kleeb, Landwehr, Mast, McLeland, Montgomery, O'Neal, Osterman, Peck, Powell, Rhoades, Scapa, Seiwert, Vickrey and Weber.
- **HB 2157**, AN ACT concerning taxation; regarding tax information; relating to the disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, by Committee on Government Efficiency.
- **HB 2158**, AN ACT concerning state agencies; relating to performance measures; amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-72,123 and repealing the existing sections, by Committee on Government Efficiency.
- **HB 2159**, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2010 Supp. 65-2921 and repealing the existing section, by Committee on Health and Human Services.
- **HB 2160**, AN ACT concerning taxation; establishing the committee on simplified state tax structure; prescribing membership, duties and responsibilities thereof, by Committee on Taxation.
- **HB 2161**, AN ACT concerning sales taxation; relating to situs of taxable transactions; amending K.S.A. 2010 Supp. 12-191 and repealing the existing section, by Committee on Taxation.
- **HB 2162**, AN ACT concerning expungement of arrest records; docket fee; amending K.S.A. 2010 Supp. 22-2410 and repealing the existing section, by Committee on Judiciary.
- **HB 2163**, AN ACT concerning racial and other profiling; amending K.S.A. 22-4606, 22-4609, 22-4610 and 22-4611 and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, by Committee on Judiciary.
- **HB 2164**, AN ACT concerning property; relating to ownership of pore space, by Committee on Energy and Utilities.
- **HB 2165**, AN ACT concerning taxation; relating to income tax, rates and elimination of tax on corporations; sales taxation, exemptions, rates and distribution of revenue and imposition of tax on certain services; eliminating food sales tax refund; amending K.S.A. 2010 Supp. 12-198, 79-32,110, 79-3602, 79-3603, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 79-3632, 79-3634, 79-3636, 79-3637 and 79-3638 and K.S.A. 2010 Supp. 79-3633, 79-3635 and 79-3639, by Committee on Taxation.
- **HB 2166**, AN ACT concerning municipalities; pertaining to using the internet for official publications; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Appropriations.
- **HB 2167**, AN ACT concerning limiting liability of property owners for certain activities; amending K.S.A. 58-3202 and repealing the existing section, by Committee on Agriculture and Natural Resources.
- **HB 2168**, AN ACT concerning veterans; relating to veterans benefits; amending K.S.A. 32-901 and K.S.A. 2010 Supp. 73-1217 and repealing the existing sections, by Representative Schwab.

HOUSE CONCURRENT RESOLUTION No. HCR 5009—

By Joint Committee on Energy and Environmental Policy

A CONCURRENT RESOLUTION urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers to determine the best available technology for site specific ecosystems.

WHEREAS, Section 316(b) of the Clean Water Act (CWA) requires that cooling water intake structures (CWIS) reflect the best technology available for minimizing adverse environmental impact; and

WHEREAS, The United States Environmental Protection Agency (EPA) has executed a settlement agreement to issue new rules under section 316(b) of the CWA to regulate CWIS proposed by March, 2011 and finalized by July, 2012; and

WHEREAS, This rule is anticipated to cover existing large steam-electric generators including nuclear, coal-based, and natural-gas based power plants as well as some existing small generators and manufacturers that have CWIS; and

WHEREAS, The EPA is considering mandating the use of closed-cycle cooling systems or cooling towers at most power plants; and

WHEREAS, The state of Kansas has applied CWA section 316(b) on a site-by-site basis examining the impacts of CWIS in relation to the specific biological community. This site-specific approach remains the most scientifically valid and cost-effective method of regulating intake impacts; and

WHEREAS, The EPA can choose to continue to allow states to evaluate power plants on a case-by-case basis to determine the best available technology for that site or require using cooling towers uniformly at each site as the best technology available to prevent fish impingement and entrainment; and

WHEREAS, The state of Kansas believes that the site-specific cost-benefit approach used today to regulate Kansas power plant CWIS is the most scientifically valid and cost effective approach to CWA section 316(b) rulemaking; and

WHEREAS, A one-size-fits-all rule would have a negative effect on energy prices, reliability and the environment; and

WHEREAS, The result could precipitate premature closures of power plants and extended plant outages negatively impacting capacity margins for reliability requirements; and

WHEREAS, Consumers will face higher electricity prices; and

WHEREAS, Environmental impacts include increased emissions of greenhouse gases and particulate matter, increased evaporative water losses and increased solid waste production; and

WHEREAS, Cooling towers cause increased evaporative water losses impacting Kansas parks, lakes, rivers and watersheds in a state where water is a very precious resource; and

WHEREAS, No two plants or sites are alike, so state permitting authorities must have the flexibility to take into consideration the unique needs of the affected water body; and

WHEREAS, A widespread requirement to retrofit cooling towers on the existing fleet of once-through cooled power plants would affect approximately 40% of the existing United States electric generation capacity, including almost 55% of the nation's

nuclear capacity and more than 25% of the nation's fossil capacity; and

WHEREAS, The state of Kansas permit writers need the ability to reject cooling towers and the flexibility to recommend other technologies when cooling towers cause more adverse environmental impacts than they prevent; and

WHEREAS, A variety of cooling water intake technologies need to be considered due to the wide variety in the types of power plants, their locations and the aquatic communities they affect: Now, therefore,

Be it resolved by the House or Representatives of the State of Kansas, the Senate concurring therein: That we urge the EPA to continue to work to develop regulations and standards under section 316(b) that minimize adverse impacts to the aquatic environment using site specific considerations and cost-benefit analysis; and

Be it further resolved: That the EPA will continue to let state permit writers use a meaningful site specific approach that focuses on determining the best available technology for that site specific ecosystem where the benefits of the technology outweigh the negative impacts; and

Be it further resolved: That the Secretary of State be directed to provide enrolled copies of this resolution to the Environmental Protection Agency, the State Corporation Commission and the Kansas Department of Health and Environment.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a .m. Monday, February 7, 2011.

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, February 7, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Hermanson was excused on verified illness.

Reps. Alford, Fawcett and Swanson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father. Today is the first day of the weekhelp us to think of it as a fresh new start to avail of Your mercy and faithfulness which are new every morning. It is a busy day with numerous bills to be referred to the various committees, and several to be put to final action. Some we may agree withsome we may not. Help us in our words and actions to show the same mercy and faithfulness. And, Lord, although it may not be on the agenda, we do pause and celebrate the success and victory of our native son from Riley Countywho through his superb gifts and talents that You have blessed him with, made Kansans righteously proud last evening. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Mast.

Kansas Trivia Question – Who was Hugoton named for? Answer: French author Victor Hugo.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

- **HB 2169**, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange, by Committee on Transportation.
- **HB 2170**, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, by Committee on Transportation.
- **HB 2171**, AN ACT regulating traffic; concerning United States postal service vehicles; amending K.S.A. 2010 Supp. 8-1520a and 8-2118 and repealing the existing sections; and also repealing K.S.A. 2010 Supp. 8-2118b, by Committee on Transportation.
- **HB 2172**, AN ACT concerning motor vehicle registrations; relating to proof of financial security; amending K.S.A. 2010 Supp. 8-173 and repealing the existing section, by Committee on Transportation.
- **HB 2173**, AN ACT concerning the Kansas highway patrol; allowing the Superintendent to charge and collect fees for certain services, by Committee on Transportation.
- **HB 2174**, AN ACT regulating traffic; concerning overtaking and passing; bicycles; amending K.S.A. 8-1516 and repealing the existing section, by Committee on Transportation.
- **HB 2175**, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, by Committee on Transportation.
- **HB 2176**, AN ACT concerning taxing subdivisions; amending K.S.A. 2010 Supp. 79-1801, and repealing the existing section, by Committee on Taxation.
- **HB 2177**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6451, 74-4939a and 79-201x and repealing the existing sections, by Committee on Vision 2020.
- **HB 2178**, AN ACT concerning licenses and permits; relating to nonresident military spouses, by Representative Sloan.
- **HB 2179**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6431, 72-6433, 72-6434, 72-6435, 72-6451, 74-4939a and 79-201x and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Committee on Vision 2020.
- **HB 2180**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6431, 72-6433d, 72-6434, 74-4939a and 79-201x and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Committee on Vision 2020.
- **HB 2181**, AN ACT concerning utilities; relating to transmission lines and easements, by Committee on Energy and Utilities.
 - HB 2182. AN ACT concerning the unused medication act; relating to mail service

pharmacies; amending K.S.A. 2010 Supp. 65-1669 and repealing the existing section, by Committee on Aging and Long Term Care.

HB 2183, AN ACT concerning environmental protection; relating to the interstate environmental freedom compact, by Committee on Agriculture and Natural Resources.

HB 2184, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 and repealing the existing section, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution appearing on the calendar as "to be referred" were referred to committees as indicated:

Aging and Long Term Care: HB 2147, HB 2148.

Agriculture and Natural Resources: **HB 2146**, **HB 2167**. Agriculture and Natural Resources Budget: **HB 2149**.

Corrections and Juvenile Justice: HB 2151, HB 2152, HB 2162.

Education: SB 13.

Elections: HB 2153, HB 2155; SB 17.

Energy and Utilities: HB 2143, HB 2144, HB 2164; HCR 5009.

Federal and State Affairs: HB 2154.

Government Efficiency: **HB 2157**, **HB 2158**. Health and Human Services: **HB 2159**; **SB 14**.

Insurance: SB 15.

Judiciary: **HB 2145**, **HB 2150**, **HB 2163**. Local Government: **HB 2166**; **SB 40**.

Taxation: HB 2156, HB 2160, HB 2161, HB 2165, HB 2168 (separately).

Veterans, Military and Homeland Security: HB 2168 (separately).

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 37 By Governor Sam Brownback February 7, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 37 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of Kansas Inc. as established by K.S.A. 74-8001 *et seq*. Kansas' government has far too many economic development agencies and programs, many of which focus on picking winners and losers instead of creating an environment for growth. As part of the culture change that Kansans expect in state government as we retool for the 21st century economy, I am looking to consolidate these various functions and make them more accountable to voters for their successes or failures.

As I said in my State-of-the-State speech, the days of ever-expanding government are

over. This reorganization order is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the state. These means will help us get the more than 100,000 unemployed Kansans back to work and grow our state's net personal income in the years ahead. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 37 By Governor Sam Brownback Transmitted February 4, 2011

- Sec. 1. Kansas, Inc., its board, the office of chief executive officer, and the president of Kansas, Inc., along with their powers, duties, and functions, as created pursuant to K.S.A. 74-8001 *et seq.*, and amendments thereto, are hereby abolished.
- Sec. 2. (a) The secretary of administration, for the sole purpose of efficiently wrapping up and concluding the affairs of Kansas, Inc. and satisfying any outstanding liabilities or commitments of Kansas, Inc., shall be the successor in every way to the powers, duties, and functions of the Kansas, Inc., and its chief executive officer and president, hereinafter referred to as president, in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such abolished powers, duties, and functions by or under the authority of the secretary of administration shall be performed by the existing employees of the department of administration and shall be deemed to have the same force and effect as if performed by Kansas, Inc., or its president in which such powers, duties, and functions were vested prior to the effective date of this order.
- (b) In furtherance of the sole purpose set forth in Section 2(a) above, whenever Kansas, Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.
- (c) In furtherance of the sole purpose set forth in Section 2(a) above, whenever the president of Kansas Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.
- (d) In furtherance of the sole purpose set forth in Section 2(a) above, all rules and regulations, orders, and directives of Kansas, Inc., or its president which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the secretary of administration, until revised, amended, revoked or nullified pursuant to law.
- (e) In furtherance of the sole purpose set forth in Section 2(a) above, all orders and directives of the Kansas, Inc., or its president in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of administration, until revised, amended or nullified pursuant to law.
- Sec. 3. (a) The secretary of administration shall succeed to whatever right, title or interest that Kansas, Inc., has acquired in any real property in this state, and the secretary of administration shall hold the same for and in the name of the state of Kansas.
 - (b) Whenever any statute, contract, deed or other document concerns the power or

authority of Kansas, Inc., or its president to acquire, hold or dispose of real property or any interest therein, the secretary of administration shall succeed to such power or authority.

- Sec. 4. The secretary of administration shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of Kansas Inc., or its president.
- Sec. 5. (a) The balances of all funds or accounts thereof appropriated or reappropriated for Kansas, Inc., relating to the powers, duties, and functions abolished by this order are hereby transferred within the state treasury to the department of administration and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are employees of Kansas, Inc., during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the department of administration.
- Sec. 6. When any conflict arises as to the disposition of any records, property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- Sec. 7. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the Constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 4th day of February 2011

BY THE GOVERNOR: SAM BROWNBACK

Kris Kobach Secretary of State Kathy M. Sachs Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 38 By Governor Sam Brownback February 7, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 38 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Kansans have spoken loud and clear: they are looking for their government to be more efficient and their leaders to be more accountable. In this spirit, I am ordering that the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 *et seq.* be reorganized into the Division of Health Care Finance within the Department of Health and Environment.

For this coming fiscal year, Kansas faces a \$550 million budget deficit, much of it related to increased caseloads in Medicaid. Left unaddressed, this growth will continue to consume future budgets and leave the state with very little room to address other priorities. While this reorganization saves \$3 million in administration costs for the next fiscal year, the larger savings will come from unifying the expertise in the KHPA with the accountability of KDHE as we implement major reforms to our Medicaid delivery model. Under the direction of the Lt. Governor and the Secretary of KDHE, the Division of Health Care Finance will be involved in redesigning Medicaid in the State of Kansas.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a major step toward making state government more efficient, more accountable, and forward looking. As we look toward a future of balancing priorities within the confines of limited state resources, this reorganization will act as a cornerstone for major and long-lasting reforms. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals.

Executive Reorganization Order No. 38 By Governor Sam Brownback Transmitted February 4, 2011

- Section 1. (a) There is hereby established, within the department of health and environment, the division of health care finance. The head of the division shall be director of health care finance, who shall be appointed by and serve at the pleasure of the secretary of health and environment. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of health and environment and approved by the governor.
- (b)(1) The secretary of health and environment shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary and director, to carry out the powers and duties of the division of health care finance.
- (2) All officers and employees of the division of health care finance shall act for and exercise the powers of the director of health care finance to the extent that authority

to do so is delegated by the secretary and director. Subject to the provisions of this order, the secretary and director may organize the division of health care finance in the manner deemed most efficient.

- Sec. 2. (a) The Kansas health policy authority created by K.S.A. 2010 Supp. 75-7401, and amendments thereto, is hereby abolished.
- (b) Except as otherwise provided by this order, all powers, duties, and functions of the Kansas health policy authority under K.S.A. 2010 Supp. 75-7401 *et seq.*, and amendments thereto, or any other statute, are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance.
- (c) Except as otherwise provided by this order, all powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, 124 Stat. 119 (2010), and the health care and education reconciliation act of 2010, Public Law 111-152, 124 Stat. 1029 (2010), are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance or their designees.
- Sec. 3. (a) The department of health and environment and its division of health care finance shall be the successor in every way to the powers, duties and functions of the Kansas health policy authority in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the department of health and environment and its division of health care finance or the secretary or the director of health care finance shall be deemed to have the same force and effect as if performed by the Kansas health policy authority in which such powers, duties, and functions were vested prior to the effective date of this order.
- (b) The department of health and environment and its division of health care finance or designees appointed by the secretary or the director of health care finance shall be the successor in every way to the powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, and the health care and education reconciliation act of 2010, Public Law 111-152, and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment and its division of health care finance shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties, and functions were vested prior to the effective date of this order.
- (c) Whenever the Kansas health policy authority or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment and its division of health care finance, such reference or designation shall be deemed to apply to the department of health and environment and its division of health care finance.
- (d) All rules and regulations, orders and directives of the Kansas health policy authority which relate to the functions transferred by this order, and which are in effect

on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

- Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas health policy authority or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment for the division of health care finance and shall be used only for the purpose for which the appropriation was originally made.
- (b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of health and environment and its division of health care finance under this order shall be assumed and paid by the division of health care finance of the department of health and environment.
- Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The division of health care finance in the department of health and environment shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.
- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 7. (a) All officers and employees of the Kansas health policy authority who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas health policy authority who are determined by the director of health care finance of the department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of health care finance of the department of health and environment. All classified officers and employees so transferred shall retain their status as classified employees.
- (b) Officers and employees of the Kansas health policy authority transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil

service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.

- (c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas health policy authority abolished by this order to the division of health care finance of the department of health and environment established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.
- Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 4th day of February 2011

BY THE GOVERNOR: SAM BROWNBACK

Kris Kobach Secretary of State Kathy M. Sachs Assistant Secretary of State

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2001, AN ACT concerning law enforcement; relating to the local law enforcement training reimbursement fund; amending K.S.A. 2010 Supp. 74-5620 and repealing the existing section, was considered on final action.

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

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson,

Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

HB 2020, AN ACT affording educational institutions the option to utilize the housing system suspense fund; amending K.S.A. 2010 Supp. 76-762 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

HB 2033, AN ACT relating to motor vehicles; concerning the registration of fleet motor vehicles; amending K.S.A. 2010 Supp. 8-1,152 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

HB 2049, AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 21-36a05, 21-36a06 and 65-4105 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Flaharty, S. Gatewood, Kuether, Landwehr, Lane, Schwab, Victors.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed, as amended.

HB 2056, AN ACT relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2010 Supp. 9-1703 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

HB 2057, AN ACT concerning forensic examinations; relating to admissibility; amending K.S.A. 2010 Supp. 22-3437 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

HB 2088, AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 14; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith,

Spalding, Suellentrop, Tietze, Tyson, Vickrey, Victors, Ward, Weber, Williams, B. Wolf, K. Wolf. Wolfe Moore.

Nays: Carlin, Davis, S. Gatewood, Kuether, Loganbill, Mah, McCray-Miller, Moxley, Peterson, Ruiz, Trimmer, Wetta, Winn, Worley.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed, as amended.

Sub. HR 6004, adopting permanent rules of the House of Representatives for 2011-2012 biennium, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 45; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The substitute resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: I think Pay Go is a great idea that will save the taxpayers of Kansas millions of dollars and cut down on junk mail. However, I am forced to vote NO on **Sub. HR 6004** because we can do better by passing Tax Go as well. Tax Credits, exemptions, and special breaks shift tax burdens from group to group and can be as bad as spending. Also I have always believed in open government and can see no reason for a closed caucus. I vote no and ask others to vote no so that these rules can go back to committee and be made better.--BILL OTTO

MR. SPEAKER: I vote no on **Sub. HR 6004** because I do not believe that 12 members of the House Appropriations Committee should have the power to limit the other 113 elected members of the House. Pay-Go is a fine concept, but the full body should debate, vote on, and establish the total budget framework within which the House debate and amendments will remain.--Tom Sloan, Tom MoxLey, Don Hineman

Mr. Speaker: I worry that the Pay-Go provision artificially limits debate and does not

lead to better governance. Twelve members of the Appropriations Committee have vast power, and will essentially force feed all other House members their plan for state spending. A 'yes' vote is an abdication of our duty to govern. I know we need to try something different to deal with issues confronting us, but this is not it. Our constituents know there are 92 Republicans in this body; they have the right to expect we will all have our say on their behalf. Our constituents deserve us offering solid common sense conservative solutions to our significant challenges. I vote NO on **Sub. HR 6004.**—J. ROBERT BOB BROOKENS

Mr. Speaker: I support **Sub. HR 6004** which will force us to live within our means. The legislature has been profligate in spending more than is taken in. **Sub. HR 6004** will.--S. Mike Kiegerl, Peggy Mast, Rick Billinger

Mr. Speaker: I believe that **Sub. HR 6004** blurs the line for what is acceptable in government. Closed door meetings of 92 members of the Kansas House of Representatives is unacceptable and has no place codified in this body. The people that pay for all of this have the reasonable expectation of an open process and I intend to always fight for that. Whatever the ends are, these means do not justify them. I vote no on **Sub. HR 6004**.--Sean Gatewood, Nile Dillmore, Gail Finney, Sydney Carlin, Harold Lane, Mike Slattery

MR. SPEAKER: Reducing transparency and limiting opportunity for debate is not the path to better governance. Rule changes included in **Sub. HR 6004** are unnecessary, arbitrary and unfair. Our constituents are weary of partisan rancor and expect and deserve accountability and openness in government. I vote no on **Sub. HR 6004**.--Don Hill, Charles B. Roth

PROTEST

Mr. Speaker: We hereby submit the following as a protest to **Sub. HR 6004** pursuant to Article 2, Section 10 of the Kansas constitution. Rule 2110, as stated in **Sub. HR 6004**, states that "unless by majority consent to correct an error in drafting, no floor amendment to increase the amount of expenditures that would be authorized in a provision of an appropriations bills shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriation bill."

This Rule has a chilling effect on the 102 members of the House of Representatives that do not serve as members of the House Appropriations Committee in that it prohibits them from having any decision-making ability whatsoever with regard to the total amount of expenditures in an appropriations bill. Under the provisions of Rule 2110, a simple majority of the House Appropriations Committee will determine the total amount of state expenditures. This could result in 12 members of the House of Representatives making a decision that cannot be modified by the other 113 members of the body. Not only is this undemocratic, we believe this Rule violates the authority vested in the entire Legislature by the Kansas Constitution to determine the total amount of state expenditures.

The Committee of the Whole has always had the unfettered ability to amend any bill

that comes before the House of Representatives. This Rule now creates an exception to this longstanding policy, and does so in an area that is perhaps more important than any other function of the Legislature: the budget-making process.

We, the undersigned, hereby lodge this protest to Rule 2110 as written in **Sub. HR 6004**.--Tom Burroughs, Bill Feuerborn, Paul Davis, Annie Tietze, Ed Trimmer, Eber Phelps, Barbara Ballard, Nile Dillmore, Melody McCray-Miller, Melanie Meier, Valdenia Winn, Annie Kuether, Kathy Wolfe Moore, Mike Slattery, Judith Loganbill, Vincent Wetta, Jerry Henry, Geraldine Flaharty

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2023 be amended on page 11, in line 34, by striking "for" and inserting "forth"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2030** be amended on page 1, following line 26, by inserting:

- "Sec. 2. K.S.A. 12-2819 is hereby amended to read as follows: 12-2819. (a) Regular meetings of the board shall be held at least once in each calendar month, the time and place of such meetings to be fixed by the board. Three members of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the ehairmanchairperson of the board, and if he or she shall approvethe chairperson approves thereof he or shethe chairperson shall sign the same, and such as he or she shall. If the chairperson does not approve, the ehairmanchairperson shall return to the board with his or herthe chairperson's objections thereto in writing at the next regular meeting of the board occurring after the passage thereof. But in case the ehairman shall failchairperson fails to return any resolution with the objections thereto by the time aforesaid, the ehairmanchairperson shall be deemed to have approved the same and it shall take effect accordingly.
- (b) Upon the return of any resolution by the chairman with his or herchairperson, with the chairperson's objections, the vote by which the same was passed shall be reconsidered by the board, and if upon such reconsideration saidsuch resolution is passed by the affirmative vote of at least four members, it shall go into effect notwithstanding the veto of the chairmanchairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; action or civil proceedings to which the authority is a party.
- Sec. 3. K.S.A. 2010 Supp. 12-5611 is hereby amended to read as follows: 12-5611. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.
- (b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.
- (c) Members of the board shall be appointed as follows: Three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member

to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

- (d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.
- (e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10-days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.
- (f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.
- (g) Regular meetings of the board shall be held at least once each quarter or more often if called by the chairperson. The time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.
- (h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; actions or civil proceedings to which the authority is a party.

- Sec. 4. K.S.A. 2010 Supp. 12-5711 is hereby amended to read as follows: 12-5711. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.
- (b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.
- (c) Members of the board shall be appointed as follows: Subject to the provisions of K.S.A. 2010 Supp. 12-16,128, and amendments thereto, three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.
- (d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.
- (e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.
- (f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.
- (g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.
- (h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have

approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; actions or civil proceedings to which the authority is a party.

- Sec. 5. K.S.A. 2010 Supp. 12-5811 is hereby amended to read as follows: 12-5811. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.
- (b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.
- (c) Members of the board shall be appointed as follows: Three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.
- (d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.
- (e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.
- (f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.
- (g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; actions or civil proceedings to which the authority is a party.";

And by renumbering sections accordingly;

On page 8, in line 42, before "K.S.A." by inserting, "K.S.A. 12-2819 and"; also in line 42, after "9-513c," by inserting "12-5611, 12-5711, 12-5811,";

On page 1, in the title, in line 2, after "amending" by inserting "12-2819 and"; also in line 2, after "9-513c," by inserting "K.S.A. 2010 Supp. 12-5611, 12-5711, 12-5811,"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2185, AN ACT concerning openness in government; amending K.S.A. 45-223 and 75-4320a and K.S.A. 2010 Supp. 75-4320 and 75-4320b and repealing the existing sections, by Committee on Local Government.

HB 2186, AN ACT concerning planning and zoning; dealing with certain easements; amending K.S.A. 19-2961 and K.S.A. 2010 Supp. 12-752 and repealing the existing sections; also repealing K.S.A. 19-2633, by Committee on Local Government.

HB 2187, AN ACT concerning platting land in certain counties; repealing K.S.A. 19-2633, by Committee on Local Government.

HB 2188, AN ACT concerning legislative bills; relating to fiscal notes; amending K.S.A. 74-9106 and 75-3715a and repealing the existing sections, by Committee on Judiciary.

HB 2189, AN ACT concerning certain legal notice publications; amending K.S.A. 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and 79-2303 and K.S.A. 2010 Supp. 79-2804 and repealing the existing sections, by Committee on Local Government.

HB 2190, AN ACT concerning counties; authorizing term limits for members of the board of county commissioners; amending K.S.A. 2010 Supp. 19-202 and repealing the

existing section, by Committee on Local Government.

HB 2191, AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section, by Committee on Education.

HB 2192, AN ACT concerning motor vehicles; relating to safety belts; uniform act regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections, by Committee on Transportation.

HB 2193, AN ACT concerning school districts; relating to at-risk pupils; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section; also repealing K.S.A. 2010 Supp. 72-6454, by Committee on Appropriations.

HB 2194, AN ACT creating the council on efficient government, by Committee on Appropriations.

HB 2195, AN ACT concerning municipalities; establishing the organized collection service act, by Committee on Local Government.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, February 8, 2011.

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 8, 2011, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Grant was excused on verified illness.

Rep. Ballard was excused on legislative business.

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

Prayer by guest chaplain, The Most Reverend Michael O. Jackels, STD Bishop, Diocese of Wichita, and guest of Rep. Grange:

If you please, bow your heads and join in helping to create a holy silence, allowing one humble voice to attempt an expression of the sentiments and hopes in each of our minds and hearts.

"O God, 150 years ago you led the leaders of the State of Kansas, newly admitted to this union of states, to inspire its citizens with the phrase *ad astra per aspera*.

"Today we ask you to continue to stir us to reach as if to the stars, to strive to make Kansas, our country and even the world a better place for all of us to live and die, to work and play, to learn and pray in freedom and with dignity.

"And when our efforts are accompanied by hardships, we ask you O God to instill in us the doggedness of our pioneer ancestors, the resolve of an athlete, a soldier, a saint, laboring always onwards, upwards.

"We ask you too, O God, to open our eyes to those in our midst who feel burdened by hardship. Make our hearts compassionate to do what we can to treat the troubles especially of children and young people at risk, of single parents and of those in search of the things needed to live in human dignity.

"Finally, O God, deliver us from feeling satisfied with any amount of power, wealth or other things made to be consumed. Keep us instead spiritually dissatisfied until our yearning finds its true rest in you. Amen. May it be so."

The Pledge of Allegiance was led by Rep. Huebert.

Kansas Trivia Question – William H. "Dad" Martin, an Ottawa photographer who died in 1940, is well known for his postcards of what?

Answer: Martin popularized the exaggerated photo cards with pictures of Kansans hauling giant watermelons, cabbages, peaches, corn and potatoes.

INTRODUCTION OF GUESTS

On behalf of Reps. Pottorff, Flaharty, McCray-Miller and Carlin, Rep. Dillmore introduced three members of a delegation from Turkey who were visiting the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

- **HB 2196**, AN ACT concerning rules of evidence; relating to the civil commitment of sexually violent predators; amending K.S.A. 59-29a06 and repealing the existing section, by Committee on Corrections and Juvenile Justice.
- **HB 2197**, AN ACT concerning crimes, criminal procedure and punishment; relating to public defender caseloads, by Committee on Corrections and Juvenile Justice.
- **HB 2198**, AN ACT concerning school districts; relating to the school district capital improvements fund and the school district capital outlay state aid fund; amending K.S.A. 2010 Supp. 75-2319 and repealing the existing section; also repealing K.S.A. 2010 Supp. 72-8814 and 72-8814b, by Committee on Appropriations.
- **HB 2199**, AN ACT regulating traffic; concerning certain right-of-way violations; providing for increased penalties, by Committee on Transportation.
- **HB 2200**, AN ACT concerning school districts; relating to state aid for capital improvements and capital outlay, amending K.S.A. 2010 Supp. 72-8814 and 75-2319 and repealing the existing sections, by Committee on Education.
- **HB 2201**, AN ACT concerning school districts; relating to school finance; local activities budget, by Committee on Education.
- **HB 2202**, AN ACT concerning teachers; relating to the licensure thereof, by Committee on Education.
- **HB 2203**, AN ACT concerning school districts; relating to the use of certain school district funds for general operating expenditures, by Committee on Education.
- **HB 2204**, AN ACT creating the college credit scholarship program; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section, by Committee on Education Budget.
- **HB 2205**, AN ACT concerning weights and measures; relating to measuring devices; amending K.S.A. 2010 Supp. 83-202 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. **HCR 5010**— By Committee on Education

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas; relating to school finance.

- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:
 - "§ 6. Finance. (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and approprian among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.
 - (b) The legislature shall make suitable provision provide for finance of the educational interests of the state the equitable distribution of public school funds in a manner and amount as may be determined by the legislature.
 - (c) No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.
 - $\frac{(e)}{d}$ No religious sect or sects shall control any part of the public educational funds."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:
 - "Explanatory statement. The purpose of this amendment is to clarify that the equitable distribution of public funds for public schools shall be in a manner and amount determined by the legislature.
 - "A vote for this amendment would require the equitable distribution of public school funds, with the manner and amount to be determined by your elected representatives and senators in the Kansas legislature.
 - "A vote against this amendment would retain the current provision in the Kansas constitution which has been interpreted by the Kansas Supreme court as requiring the Kansas legislature to provide funding for public schools in amounts that may be determined by the court."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2183, HB 2184**. Commerce and Economic Development: **ERO 37**.

Corrections and Juvenile Justice: HB 2188.

Education: HB 2177, HB 2179, HB 2180, HB 2191, HB 2193.

Energy and Utilities: **HB 2181**. Federal and State Affairs: **HB 2178**.

Government Efficiency: **HB 2175, HB 2194**. Health and Human Services: **HB 2182; ERO 38**.

Judiciary: HB 2185.

Local Government: HB 2186, HB 2187, HB 2189, HB 2190, HB 2195.

Taxation: HB 2176.

Transportation: HB 2169, HB 2170, HB 2171, HB 2172, HB 2174, HB 2192.

Transportation and Public Safety Budget: HB 2173.

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 39 By Governor Sam Brownback February 8, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 39 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of the Kansas Arts Commission as established by K.S.A. 74-5202, and amendments thereto, and the office of Executive Director of the Commission under K.S.A. 74-5204, and amendments thereto. Per this Executive Reorganization Order, the State Historical Society will succeed to all duties, powers, and functions of the agency. The Historical Society, as a state agency, will still be eligible to receive federal matching funds for the purpose of advancing the arts in the State of Kansas.

My FY2012 Budget Report to the Legislature details how I intend to reorganize these functions of state government. Under my plan, a new not-for-profit corporation, the Kansas Arts Foundation, Inc. will receive a direct grant from the State Historical Society to manage the programs formerly overseen by the Arts Commission. Because of their 501(c)3 status, the Foundation will be able to receive tax-deductible donations to cover the cost of implementing these programs. It is anticipated that this move will save Kansas taxpayers nearly \$600,000 next fiscal year. They will also help the Historical Society in their role as a state agency for the purpose of receiving federal grants by providing logistical and staff support for the drafting of state plans and grant proposals.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the

state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 39 By Governor Sam Brownback Transmitted February 8, 2011

- Section 1. The Kansas arts commission created by K.S.A. 74-5202, and amendments thereto, and the office of executive director of the commission under K.S.A. 74-5204, and amendments thereto, are hereby abolished.
- Sec. 2. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall be the successor in every way to the powers, duties, and functions of the Kansas arts commission and the executive director of the commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the state historical society shall be performed by existing employees of the state historical society and shall be deemed to have the same force and effect as if performed by the Kansas arts commission or the executive director of the commission in which such powers, duties, and functions were vested prior to the effective date of this order.
- (b) Whenever the Kansas arts commission or the executive director of the commission, or words of like effect, are referred to or designated by a statute, contract, or other document, such reference or designation shall be deemed to apply to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.
- (c) All rules and regulations, orders, and directives of the Kansas arts commission or the executive director of the commission, which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, until revised, amended, revoked, or nullified pursuant to law.
- Sec. 3. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the state historical society. Any conflict as to the proper disposition of property, or records arising under this order shall be determined by the governor, whose decision shall be final.
- (b) Whenever any statute, contract, deed or other document concerns the power or authority of Kansas arts commission, or the executive director of the commission, to acquire, hold or dispose of real property or any interest therein, the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to such power or authority.
- Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas arts commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, and shall be used only for the purpose for which the appropriation

was originally made.

- (b) Liability for all accrued compensation or salaries of officers and employees who are employees of the Kansas arts commission during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.
- Sec. 5. When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 7th day of February 2011

BY THE GOVERNOR: SAM BROWNBACK

Kris W. Kobach Secretary of State Mary Diane Minear Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 40 By Governor Sam Brownback February 8, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 40 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the

accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering a consolidation of agriculture-related functions spread throughout state government within the Department of Agriculture. These consolidations are as follows:

- be transferred to the Department of Agriculture and renamed the Marketing The Agriculture Products Development Division within the Department of Commerce as established by K.S.A. 74-50,156, and amendments thereto will and Promotions Program.
- 2. The Kansas Animal Health Department and the Livestock Commissioner as established by K.S.A. 75-1901 et seq. will be consolidated within the Department of Agriculture as the Animal Health Division headed by the Animal Health Commissioner. The Animal Health Board will continue in existence and with members appointed by the Governor. The current Livestock Commissioner will be retained as the new Animal Health Commissioner. Thereafter, a vacancy in the position of Animal Health Commissioner will be filled by appointment by the Secretary of Agriculture from three nominations provided by the Animal Health Board.
- 3. The State Conservation Commission as established by K.S.A. 2-1904 will be consolidated within the Department of Agriculture as the Conservation Division. The Conservation Commission will continue in existence. The current Executive Director will be retained as the Executive Director of the Conservation Division. Thereafter, a vacancy in the position of executive director will be filled by a joint selection from the Secretary of Agriculture and the Conservation Commission.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a significant step toward making our government structure leaner, more efficient, more accountable, and more successful in growing the state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 40 Governor Sam Brownback Transmitted February 8, 2011

- Section 1. (a) There is hereby established, within and as a part of the Kansas department of agriculture, the agriculture marketing and promotions program.
- (b) (1) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.
- (2) All employees shall act for and exercise the powers of the secretary of agriculture to the extent that authority to do so is delegated by the secretary of agriculture.
- Sec. 2. (a) The agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, is hereby abolished.

- (b) Except as otherwise provided by this order, all powers, duties and functions of the agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, are hereby transferred to and imposed upon the agriculture marketing and promotions program within the Kansas department of agriculture created herein.
- Sec. 3. (a) The agriculture marketing and promotions program within the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the agriculture products development division within the department of commerce which were in effect prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the agriculture marketing and promotions program within the Kansas department of agriculture shall be deemed to have the same force and effect as if performed by the agriculture products development division within the department of commerce in which such powers, duties and functions were in effect prior to the effective date of this order.
- (b) Whenever the agriculture products development division or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the agriculture products marketing and promotions program such reference or designation shall be deemed to apply to the program or the secretary of agriculture.
- (c) All rules and regulations, orders and directives of the agriculture products development division within the department of commerce which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the agriculture marketing and promotions progam within the Kansas department of agriculture transferred herein until revised, amended, revoked or nullified pursuant to law.
- Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the agriculture products development division within the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein and shall be used only for the purpose for which the appropriation was originally made.
- (b) Subject to acts of the legislature, all fees, grant funds, and loan repayment funds dedicated to the agriculture products development division within the department of commerce prior to the effective date of this order shall be transferred to the agriculture marketing and promotions program within the department of agriculture.
- (c) Liability for all accrued compensation or salaries of officers and employees who are transferred from the agriculture products development division within the department of commerce under this order shall be assumed and paid by the agriculture marketing and promotions program within the Kansas department of agriculture.
- Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.
- (b) The agriculture marketing and promotions program within the Kansas department of agriculture shall succeed to all property, property rights and records

which were used for or pertain to the performance of powers, duties and functions transferred to the division. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final

- Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.
- (b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 7. (a) The secretary of agriculture shall determine such employees as are necessary to enable the secretary to carry out the duties of the agriculture marketing and promotions program. All officers and employees of the agriculture products development division within the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, who are determined by the secretary of agriculture to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the agriculture marketing and promotions program within the Kansas department of agriculture. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.
- (b) Officers and employees of the agriculture products development division within the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the agriculture products development division of the department of commerce prior to the date of transfer.
- Sec. 8. (a) The division of animal health is hereby established within the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of this order, the Secretary of Agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nominations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the

animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

- (b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.
- (c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.
- Sec. 9. The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.
- Sec. 10. (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of this order.
- (b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.
- (c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the animal health division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.
- (d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:
- (1) The animal health commissioner shall submit such rules and regulations to the animal health board; and
- (2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.
- Sec. 11. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amendments thereto, is hereby continued in existence within the animal health division

- of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas animal health board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 74-4001, and amendments thereto.
- (b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas pet animal advisory board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 47-1725, and amendments thereto.
- Sec. 12. The Kansas department of agriculture shall succeed to all property, property rights and records of the Kansas animal health department and the livestock commissioner of the Kansas animal health department.
- Sec. 13. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas animal health department are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.
- (b) Subject to acts of the legislature, all fees and grant funds dedicated to animal health programs shall remain dedicated to animal health programs on and after the effective date of this order.
- Sec. 14. (a) (1) The secretary of agriculture in consultation with the animal health commissioner shall determine such employees as are necessary to enable the secretary to carry out the duties of the animal health division. The livestock commissioner of the animal health department shall become the animal health commissioner of the animal health division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the Kansas animal health department who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the Kansas animal health department and who are, in the opinion of the secretary of agriculture in consultation with the animal health commissioner, necessary to perform the powers, duties and functions of the Kansas animal health department that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.
- (2) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act
- (b) Officers and employees of the Kansas animal health department transferred under this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of

any transferred person employed by the Kansas animal health department prior to the date of transfer

- (c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.
- Sec. 15. (a) On the effective date of this order, the division of conservation is hereby established within the Kansas department of agriculture. The division of conservation shall be a continuation of the state conservation commission and the executive director of conservation shall be a continuation of the executive director of the state conservation commission. The division shall be administered under the supervision of the secretary of agriculture by the executive director of the division of conservation, who shall be the chief administrative officer of the division. The executive director of the division of conservation shall be jointly appointed by the secretary of agriculture and the state conservation commission and shall serve at the pleasure of the secretary and the state conservation commission. The executive director of the division of conservation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.
- (b) All of the powers, duties and functions of the existing state conservation commission and the existing executive director of the state conservation commission are hereby transferred to and imposed upon the conservation division of the Kansas department of agriculture and the executive director of the conservation division, respectively.
- Sec. 16. (a) The conservation division of the department of agriculture shall be the successor in every way to the powers, duties and functions of the state conservation commission and the executive director of the state conservation commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the state conservation commission and the executive director of the state conservation commission in which such powers, duties and functions were vested prior to the effective date of this order.
- (b) Whenever the state conservation commission or the executive director of the state conservation commission, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the conservation division within the department of agriculture or the executive director of the conservation division under the secretary of agriculture.
- (c) All rules and regulations, orders and directives of the state conservation commission or the executive director of the state conservation commission that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the conservation division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law by the secretary of agriculture.
- Sec. 17. The state conservation commission established by K.S.A. 2-1904, and amendments thereto, is hereby continued in existence within the conservation division

within the department of agriculture with respect to the powers, duties and functions of the state conservation commission that are transferred under this order. Persons who are members of the board shall continue to hold such offices under the conditions and limitations in effect on the effective date of this order.

- Sec. 18. The Kansas department of agriculture shall succeed to all property, property rights and records of the state conservation commission and the executive director of the state conservation commission.
- Sec. 19. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the state conservation commission are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.
- (b) Subject to acts of the legislature, all fees and grant funds dedicated to conservation programs shall remain dedicated to conservation programs on and after the effective date of this order.
- Sec. 20. (a) (1) The executive director of the conservation commission shall become the executive director of the conservation division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the state conservation commission who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the state conservation commission and who are, in the opinion of the secretary of agriculture in consultation with the executive director, necessary to perform the powers, duties and functions of the state conservation commission that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.
- (2) The secretary of agriculture in consultation with the executive director shall determine such officers and employees as are necessary to enable the secretary to carry out the duties of the division of conservation.
- (3) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act
- (b) Officers and employees of the state conservation commission transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the state conservation commission prior to the date of transfer.
- (c) Liability for accrued compensation or salaries of each officer and employee who is transferred to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.
- Sec. 21. (a) No suit, action, or other proceeding, judicial or administrative, that is lawfully commenced or that could have been lawfully commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official

duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected

- (b) No criminal action that is commenced or that could have been commenced by the state shall abate by the taking effect of this order.
- Sec. 22. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka Under the Great Seal of the State of Kansas this 7th day of February 2011

BY THE GOVERNOR SAM BROWNBACK

Kris W. Kobach Secretary of State Mary Diane Minear Assistant Secretary of State

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, the Committee of the Whole report, as follows, was adopted.

Recommended that committee report to **HB 2014** be adopted; also, on motion of Rep. Rhoades be amended on page 36, following line 20, by inserting the following:

"Sec. 54. Severability. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.";

And by renumbering sections accordingly;

Also, on motion of Rep. Rhoades to amend **HB 2014**, Rep. Burroughs requested a ruling if the amendment violates House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. Rep. Rhoades subsequently withdrew his amendment.

Also, on motion of Rep. Goico, **HB 2014** be amended on page 18, following line 18, by inserting the following:

On page 19, in line 39, by adding \$181,320 to the dollar amount and by adjusting the dollar amount in line 39 accordingly;

Also, on motion of Rep. Goodman, **HB 2014** be amended on page 18, in line 18, by adding \$195,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 19, in line 39, by adding \$195,000 to the dollar amount and by adjusting the dollar amount in line 39 accordingly;

On motion of Rep. Henry to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order.

Also, on motion of Rep. D. Gatewood to amend $HB\ 2014$, the motion did not prevail.

Also, on motion of Rep. Hineman to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment in order.

Also, roll call was demanded on the motion of Rep. Hineman to amend **HB 2014** on page 34, by striking all in lines 5 through 39;

On page 35, by striking all in lines 1 through 14; in line 15, by striking "(e)" and inserting "(d)";

On page 36, in line 12, before the period, by inserting ", and who is not an employee of a regents state agency, as defined by this section";

On roll call, the vote was: Yeas 45; Nays 71; Present but not voting: 0; Absent or not voting: 9.

Yeas: Bollier, Brookens, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Pauls, Phelps, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Frownfelter, Grant, Huebert, Landwehr, Peterson, Pottorff.

The motion of Rep. Hineman did not prevail.

Also, roll call was demanded on motion of Rep. Lane to amend **HB 2014** on page 12, by striking line 39; on page 13, by striking lines 1 through 2; following line 2, by inserting the following:

"(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4.413 is hereby lapsed.":

On page 18, by striking all lines 24 through 28;

On roll call, the vote was: Yeas 32; Nays 87; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bowers, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Roth, Ruiz, Schroeder, Slattery, Tietze, Trimmer, Victors, Ward. Wetta. Williams. Winn. Wolfe Moore.

Nays: Arpke, Aurand, Billinger, Bollier, Boman, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Frownfelter, Grant, Peterson.

The motion of Rep. Lane did not prevail.

Also, on motion of Rep. Kinzer to amend **HB 2014**, Rep. Bollier requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 36, following line 12, by inserting the following:

- "Sec. 53. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.
- (b) As used in this section "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto."

And by renumbering the remaining sections accordingly:

Roll call was demanded.

On roll call, the vote was: Yeas 91; Nays 26; Present but not voting: 0; Absent or not voting: 8.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Bethell, Colloton, Grant, Hill, M. Holmes, Peterson.

The motion of Rep. Rep. Kinzer prevailed.

Also, on motion of Rep. Carlin to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order.

Also, on motion of Rep. Frownfelter to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. Rep. Rhoades subsequently withdrew his objection and the question reverted back to the amendment of Rep. Frownfelter, which did not prevail.

Also, on motion of Rep. Henry to amend **HB 2014**, Rep. Rhoades requested a ruling on the amendment violating House Rule 2110 as adopted by **Sub. HR 6004** on February 7, 2011. The Rules Chair ruled the amendment not in order, and **HB 2014** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfreid pursuant to House Rule 2311, **HB 2014** was advanced to Final Action on Bills and Current Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2014, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Bollier, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Ballard, Grant, Peterson. The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2078** be passed.

Committee on Health and Human Services recommends HB 2083 be passed.

Committee on **Health and Human Services** recommends **HB 2082** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar.

Committee on Judiciary recommends HB 2070, HB 2071 be passed.

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

INTRODCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2206**, AN ACT concerning income taxation; relating to credits; child tax credit, by Representative Kinzer.
- **HB 2207**, AN ACT concerning limited liabilities companies; relating to series limited liability companies; amending K.S.A. 17-7663 and 17-7682 and repealing the existing sections, by Committee on Judiciary.
- **HB 2208**, AN ACT concerning insurance; relating to rate review for individual health insurance policies; relating to the individual market health insurance rate review act; amending K.S.A. 2010 Supp. 40-2215 and repealing the existing section, by Committee on Insurance.
- **HB 2209**, AN ACT concerning the legislature; relating to legislators holding other elected offices, by Committee on Local Government.
- **HB 2210**, AN ACT concerning veterans; relating to readjustment and mental health services, by Committee on Veterans, Military and Homeland Security.
- **HB 2211**, AN ACT concerning state agencies; relating to purchases; giving preference to disabled veteran businesses, by Committee on Veterans, Military and Homeland Security.
- **HB 2212**, AN ACT concerning property taxation; relating to revenues produced by property tax levies; mill levy adjustments; resolutions, publication requirements; amending K.S.A. 2010 Supp. 79-2925b and repealing the existing section, by Representatives Brunk, Arpke, Boman, Collins, Goodman, Gregory, Hermanson, Howell, Huebert, Hedke, Kiegerl, Osterman, Patton, Peck, Scapa and Weber.
- **HB 2213**, AN ACT concerning crimes, criminal procedure and punishment; relating to the parole board; relating to postrelease supervision of sexually violent offenders; amending K.S.A. 2010 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 2010 Supp. 22-3717c, by Committee on Corrections and Juvenile Justice.
- **HB 2214**, AN ACT concerning human cell research; prohibiting the expenditure of certain moneys appropriated from the state treasury by state agencies, by Committee on

Health and Human Services.

- **HB 2215**, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Representative Ward.
- **HB 2216**, AN ACT concerning insurance; providing for coverage of autism spectrum disorder; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Children and Families.
- **HB 2217**, AN ACT concerning authorized interception of wire, oral or electronic communications; issuance of order; amending K.S.A. 2010 Supp. 22-2502 and 22-2516 and repealing the existing sections, by Representative Sloan.
- HB 2218, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-6701 and 65-6703 and repealing the existing sections, by Representatives Kinzer, Arpke, Billinger, Boman, Brown, Brunk, Calloway, DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hedke, Henry, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Kiegerl, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Otto, Patton, Peck, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfreid, Smith, Suellentrop, Vickrey, Weber, Wetta and B. Wolf.
- **HB 2219**, AN ACT concerning child support; relating to exceptional children; amending K.S.A. 2010 Supp. 38-1121 and 60-1610 and repealing the existing sections, by Committee on Judiciary.
- **HB 2220**, AN ACT concerning the promoting employment across Kansas act; pertaining to qualifications for benefits under the act; amending K.S.A. 2010 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Taxation.
- **HB 2221**, AN ACT concerning state agencies; relating to the employee award program; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section, by Committee on Government Efficiency.
- **HB 2222**, AN ACT concerning labor organizations; relating to employees of state child care centers and persons providing attendant care services; amending K.S.A. 44-803 and 75-4324 and repealing the existing sections, by Committee on Children and Families.
- **HB 2223**, AN ACT enacting the Kansas employer immigration accountability act, by Committee on Commerce and Economic Development.
- **HB 2224**, AN ACT concerning elections; requiring candidates for state and federal office to provide proof of citizenship; amending K.S.A. 25-202 and repealing the existing section, by Committee on Elections.
- **HB 2225**, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, by Committee on Transportation.
- **HB 2226**, AN ACT concerning tax increment financing; relating to definition of redevelopment project costs; financing projects; amending K.S.A. 2010 Supp. 12-1770a and 12-1774 and repealing the existing sections, by Committee on Financial Institutions.
- **HB 2227**, AN ACT concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, by Committee on Corrections and Juvenile Justice.
 - HB 2228, AN ACT concerning insurance; providing coverage for hearing aids;

amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Kiegerl.

HB 2229, AN ACT concerning school and school districts; related to equal access, by Committee on Commerce and Economic Development.

HB 2230, AN ACT repealing K.S.A. 68-1038; relating to the Frontier Military scenic byway, by Committee on Transportation.

HB 2231, AN ACT concerning water; relating to water bank flex accounts; amending K.S.A. 2010 Supp. 82a-736 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2232, AN ACT concerning crimes, criminal procedure and punishment; relating to the possession and distrubtion of prescription-only drugs; amending K.S.A. 2010 Supp. 21-36a08 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2233, AN ACT concerning school districts; relating to school finance and certain weightings; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6413, 72-6414, 72-6455 and 72-6459 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Representative Aurand.

HB 2234, AN ACT establishing the early high school graduation scholarship program; amending K.S.A. 2010 Supp. 72-6438 and repealing the existing section, by Committee on Education.

HB 2235, AN ACT regulating vehicle title loans, by Committee on Commerce and Economic Development.

HB 2236, AN ACT creating the special education scholarship program; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section, by Representative Kinzer.

HB 2237, AN ACT concerning the fire marshal; relating to investigation authority; amending K.S.A. 31-157 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. HCR 5011—

By Committee on Government Efficiency

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning a contingency reserve fund and a debt prepayment fund in the state treasury.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

§ 14. Contingency Reserve Fund and Debt Prepayment Fund.

(a) On July 1, 2013, a contingency reserve fund and a debt prepayment fund shall be established and maintained in the state treasury.

- (b) When state tax receipts for a fiscal year increase by more than three percent over state tax receipts for the preceding fiscal year: (1) Any increase in excess of three percent up to the next one percent of state tax receipts collected shall be deposited in the contingency reserve fund; and
- (2) Any increase in excess of four percent up to the next one-half percent of state tax receipts collected shall be deposited in the debt prepayment fund. Nothing in this subsection shall require state tax receipts to be deposited in the contingency reserve fund when the contingency reserve fund balance exceeds fifteen percent of the preceding fiscal year's state tax receipts. Nothing in this subsection shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year's total amount of principal of bonded indebtedness services by appropriations from the state general fund.
- (c) The legislature may provide, by law, for additional amounts of state tax receipts to be deposited in the contingency reserve fund and the debt prepayment fund.
- (d) (1) Withdrawals from the contingency reserve fund may occur in the current fiscal year only when the current fiscal year's estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount subject to withdrawal shall not exceed the difference between the current fiscal year's estimated state tax receipts and the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.
- (2) Withdrawals from the contingency reserve fund may occur in the ensuing fiscal year only when the ensuing fiscal year's estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount subject to withdrawal shall not exceed the difference between the ensuing fiscal year's estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.
- (3) For the purposes of subsections (d)(1) and (d)(2), the attorney general shall be responsible for certifying whether any kind of tax reduction legislation was enacted by the legislature and approved by the governor and if so, the governor shall certify the amount of such reduction. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the contingency reserve fund to the state general fund.
- (e) (1) Withdrawals from the debt prepayment fund may occur only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund in accordance with their terms on or after their first optional redemption date and prior to maturity.
- (2) Prior to any withdrawal from the debt prepayment fund authorized by this subsection, the governor shall be responsible for determining and selecting which bonds

will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the debt prepayment fund to the state general fund for the purpose of calling and redeeming selected bonds.

- (f) Amounts in the contingency reserve fund and the debt prepayment fund may be invested as provided by law and the earnings thereon shall be retained in the contingency reserve fund and the debt prepayment fund.
- (g) As used in this section, "state tax receipts" means receipts from any state income tax, sales tax, compensating use tax or other excise tax or tax in the nature of an excise tax, or estate or inheritance tax, or tax in the nature of an estate or inheritance tax, but shall not include receipts from any property tax, or tax in the nature of a property tax, or any tax on motor fuels.
 - (h) The legislature may enact laws to carry out the purposes of this section.
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to establish a contingency reserve fund, commonly known as the "rainy day fund," and a debt prepayment fund in the state treasury.

"A vote for this amendment will:

- (1) Establish a contingency reserve fund and a debt prepayment fund in the state treasury. Each year, if state tax receipts increase by more than 3% over the amount of the preceding year, a portion of the increase would be deposited in the contingency reserve fund and, if the increase exceeds 4%, a portion of the increase would be deposited in the debt prepayment fund. Additional amounts could be deposited in these funds by act of the legislature.
- (2) Provide that amounts could be withdrawn from the contingency reserve fund when state tax receipts are less than the amount for the preceding year, other than amounts resulting from any tax reduction legislation.
- (3) Provide that amounts could be withdrawn from the debt prepayment fund to redeem state bonds payable from the state general fund that are selected to produce the greatest debt service savings.
- (4) Provide that any withdrawal from either fund must be a separate bill containing only a statement that the conditions exist for the withdrawal and the authority to withdraw and deposit in the state general fund.
- "A vote against this amendment would make no changes in current law concerning the state's finance."
- **Sec. 3.** This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

MESSAGE FROM THE SENATE

Announcing passage of SB 25.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 25.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, February 9, 2011.

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 9, 2011, 11:00 a.m.

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

The roll was called with 119 members present.

Rep. Fund was excused on verified illness.

Reps. Alford, Donohoe, Hoffman, Lane and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God. thank you for these leaders who have been chosen to lead us. Help them to call upon You for unlimited possibilities which can lead them in action. For those who feel powerless, please give them strength. For those who feel incapable, give them encouragement and support. For those who might be cynical or doubtful, give them cause to trust. For those who feel overwhelmed with complexity show them the next steps to take. In Your Son's Name I pray these things, Amen.

The Pledge of Allegiance was led by Rep. Meier.

Kansas Trivia Question – What 1972 movie, filmed in Kansas, was directed by Robert Benton and starred Jeff Bridges and Barry Brown as men who drift into a life of crime on the frontier?

Answer: Bad Company

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2238, AN ACT concerning the state budget; state general fund and special

revenue fund expenditures, transfers and ending balance requirements; reduction and allotment procedures; economic impact statements and fiscal note updates for legislation, by Committee on Taxation.

HB 2239, AN ACT concerning roads; relating to the board of county commissioners; relating to vacating roads; proceedings for damages; amending K.S.A. 68-102a, 68-106 and 68-107 and K.S.A. 2010 Supp. 68-101 and repealing the existing sections, by Committee on Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2205, HB 2231; ERO 40.

Commerce and Economic Development: HB 2211, HB 2222.

Corrections and Juvenile Justice: HB 2199, HB 2213, HB 2217, HB 2227, HB 2232.

Education: HB 2197, HB 2200, HB 2201, HB 2202, HB 2233; HCR 5010. Education Budget: HB 2198, HB 2203, HB 2204, HB 2234, HB 2236.

Elections: HB 2224.

Federal and State Affairs: HB 2223, HB 2229; SB 25.

Financial Institutions: HB 2235.

General Government Budget: HB 2214; ERO 39. Government Efficiency: HB 2221, HB 2230. Insurance: HB 2208, HB 2216, HB 2228.

Judiciary: HB 2196, HB 2207, HB 2215, HB 2218, HB 2219, HB 2237.

Local Government: HB 2209.

Taxation: HB 2206, HB 2212, HB 2220, HB 2226; HCR 5011.

Transportation: HB 2225.

Veterans, Military and Homeland Security: HB 2210.

CONSENT CALENDAR

No objection was made to **HB 2082** appearing on the Consent Calendar for the first day.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Davis, the House concurred in Senate amendments to **HCR 5003**, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley,

Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Feuerborn, Peck.

Present but not voting: None.

Absent or not voting: Alford, Donohoe, Fund, Hoffman, Lane, Peterson.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, the Committe of the Whole report, as follows, was adopted.

Recommended that committee report to **HB 2028** be adopted; and the bill be passed as a amended.

Committee report to **HB 2023** be adopted; and the bill be passed as amended.

Committee report to **HB 2030** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2009 be passed. Committee on Corrections and Juvenile Justice recommends HB 2008 be amended on page 1, in line 21, by striking "8" and inserting "9"; in line 25, by striking "8" and inserting "9"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324, by Committee on Local Government.

HB 2241, AN ACT concerning the Kansas dental practices act; relating to proprietor arrangements with licensees of dentistry; amending K.S.A. 65-1424 and K.S.A. 2010 Supp. 65-1435 and 65-1436 and repealing the existing sections. , by Committee on Health and Human Services.

HB 2242, AN ACT concerning use of vital statistics; relating to death and stillbirth

certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, by Committee on Health and Human Services.

- **HB 2243**, AN ACT concerning the wage payment act; pertaining to remedies for employees whose employers repeatedly fail to pay wages; amending K.S.A. 2010 Supp. 44-313 and repealing the existing section, by Representatives Dillmore, Burroughs, Carlin, Davis, Finney, Frownfelter, S. Gatewood, Henderson, Kuether, Lane, McCray-Miller, Pauls, Ruiz, Trimmer, Victors, Wetta, Winn and K. Wolf.
- **HB 2244**, AN ACT concerning continuing education for certain licensed contractors; amending K.S.A. 2010 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections, by Committee on Commerce and Economic Development.
- **HB 2245**, AN ACT concerning schools; relating to pupils; reading state assessments; amending K.S.A. 2010 Supp. 72-9921 and repealing the existing section, by Committee on Education.
- **HB 2246**, AN ACT concerning children; relating to paternity thereof, by Representative McCray-Miller.
- **HB 2247**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the masonic lodge license plate, by Committee on Transportation.
- **HB 2248**, AN ACT concerning postsecondary education; relating to the costs of remedial courses; amending K.S.A. 2010 Supp. 72-6438 and repealing the existing section, by Committee on Education Budget.
- **HB 2249**, AN ACT concerning controlled substances; relating to cathinones; amending K.S.A. 2010 Supp. 65-4105 and repealing the existing section, by Committee on Corrections and Juvenile Justice.
- **HB 2250**, AN ACT concerning crimes, criminal procedure and punishment; relating to drug crimes; amending K.S.A. 2010 Supp. 21-36a01, 21-36a05, 21-36a09, 21-36a10, 21-36a13 and 21-36a14 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2251**, AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 and repealing the existing sections, by Committee on Education.
- **HB 2252**, AN ACT concerning divorce; relating to restoration of former name; amending K.S.A. 2010 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.
- **HB 2253**, AN ACT concerning civil procedure; relating to private rights of action; certain restrictions, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. HCR 5012—

By Committee on Energy and Utilities

A CONCURRENT RESOLUTION establishing policy goals for energy development, consumption and costs.

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

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

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

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

WHEREAS, Direct and indirect energy costs and their impacts on individual consumers and consumer sectors have not been widely discussed at the federal level, but are of great concern to state policymakers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we believe that Kansas' public, elected policymakers and executive agency personnel should have specific targets for energy development, consumption and cost containment; and

Be it further resolved: That the Kansas Corporation Commission is directed to convene forums and working groups to identify logical policy paths and objectives for energy development, consumption and cost containment and to identify appropriate technologies, research and employment opportunities to ensure Kansans have abundant, reliable, affordable and responsible energy. To achieve these objectives, the commission shall:

Examine ways to increase the state's use of renewable resources, including capture of escaping methane from Title V landfills and use of motor fuels containing ethanol from cellulosic processing; and

Investigate the potential for energy storage and coordinate with Kansas electric utilities and the Southwest Power Pool to study and implement energy storage projects to address transmission line constraint relief, distributive generation reliability, electric distribution system reliability and to firm renewable energy generation; and

Study different conservation and efficiency measures to reduce the anticipated rate of growth in demand for electricity without causing a degradation in the quality of life for Kansans; and

Examine methods to develop Kansas' renewable energy generation potential to increase energy exports beyond state borders, provide a more robust transmission system resulting in increased energy reliability and lower cost electricity to high cost service areas: and

Work with the Kansas Board of Regents and the Kansas Department of Commerce to develop strategies to encourage energy research in Kansas by private and public persons and institutions and with the Kansas Development Finance Authority and the Kansas Bio-Science Authority to develop enhanced grant, loan and loan assurance programs that better enable energy researchers to secure federal and private sector funding to research, develop, commercialize and market energy-related products and services. Such loan assurance programs are not to increase state debt obligations, but to demonstrate to investors that the State of Kansas believes investing in such companies and research is a prudent investment in our nation's future; and

Work with Kansas electric utilities to increase "smart grid compliance" for distribution line segments and appurtenances as well as the deployment of electric meters by each public utility; and

Develop strategies for existing coal-fired generation units, including both electric public and nonpublic utilities, to reduce the rate of their greenhouse gas releases; and Work with the Kansas Department of Commerce and the Board of Regents to enhance workforce development, recruitment and training programs that lead to an employment growth rate in energy production, conservation and efficiency, research and related sectors; and

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

On motion of Rep. Siegfreid, the House recessed until 4:30 p.m.

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2254, AN ACT concerning marriage; relating to covenant marriage; amending K.S.A. 23-105, 23-109, 60-1601 and 60-1627 and K.S.A. 2010 Supp. 23-106 and repealing the existing sections, by Representatives Howell, Arpke, Boman, Brown, Brunk, Calloway, Collins, DeGraaf, Garber, Goico, Gonzalez, Goodman, Gregory, Hedke, Hermanson, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Mast, McLeland, Meier, Mesa, Montgomery, O'Hara, Osterman, Otto, Patton, Peck, Rhoades, Ryckman, Scapa, Seiwert, Siegfreid, Vickrey and Weber.

HB 2255, AN ACT creating the task force on obesity prevention and management, by Representative Ballard.

HB 2256, AN ACT concerning contracts with minority businesses, by Committee on Commerce and Economic Development.

HB 2257, AN ACT concerning school districts; relating to supplemental general state aid; statewide levy for public schools, exemption therefrom; income tax checkoff for school district contributions; voluntary wage withholding for school district contributions, requirements and procedures; amending K.S.A. 2010 Supp. 72-6407, 72-6431, 72-6434, 72-6434, 74-4939a and 79-201x and repealing the existing sections, by Representative Otto.

HB 2258, AN ACT authorizing the secretary of social and rehabilitation services to convey certain real estate to the evangelical lutheran good samaritan society in Ellsworth county, Kansas, by Representative Johnson.

HB 2259, AN ACT concerning criminal procedure; relating to appearance bonds; amending K.S.A. 2010 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

HB 2260, AN ACT concerning civil procedure; relating to exercise of religion, by Committee on Judiciary.

HB 2261, AN ACT enacting the revised uniform limited liability company act; amending K.S.A. 65-1522 and 65-1524 and K.S.A. 2010 Supp. 45-229 and repealing the existing sections; also repealing K.S.A. 17-7662, 17-7663, 17-7664, 17-7665, 17-7666, 17-7667, 17-7668, 17-7669, 17-7670, 17-7671, 17-7672, 17-7673, 17-7674, 17-7676, 17-7679, 17-7689, 17-7682, 17-7683, 17-7686, 17-7687, 17-7688, 17-7699, 17-7691, 17-7692, 17-7693, 17-7694, 17-7695, 17-7696, 17-7697, 17-7698, 17-7699, 17-76,100, 17-76,101, 17-76,102, 17-76,103, 17-76,104, 17-76,105, 17-76,106, 17-76,107, 17-76,108, 17-76,109, 17-76,110, 17-76,111, 17-76,112, 17-76,113, 17-76,114, 17-76,115, 17-76,116, 17-76,117, 17-76,118, 17-76,119, 17-76,120, 17-

76,121, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,126, 17-76,127, 17-76,128, 17-76,129, 17-76,130, 17-76,131, 17-76,132, 17-76,133, 17-76,134, 17-76,135, 17-76,136, 17-76,137, 17-76,138, 17-76,139, 17-76,140, 17-76,141, and 17-76,142, K.S.A. 2010 Supp. 17-7675, 17-7678 and 17-7681, by Representative Kinzer.

HB 2262, AN ACT concerning the Hiram Price Dillon house; authorizing the secretary of administration to convey certain real property to a not-for-profit corporation established to support, coordinate, foster and develop the arts of their practice within the state of Kansas; prescribing certain requirements and limitations relating thereto, by Representatives Arpke, Brown, Calloway, Cassidy, Fawcett, Goodman, Gregory, Henderson, Howell, Huebert, Johnson, Kelley, Kuether, Loganbill, O'Brien, Proehl, Vickrey, Winn and B. Wolf.

HB 2263, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system, retirement benefits; employee contributions, increase; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Representative Burgess.

MESSAGE FROM THE SENATE

Announcing passage of SB 11, SB 21, SB 35, SB 38.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 11, SB 21, SB 35, SB 38.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2004** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. HB 2004," as follows:

"Substitute for HOUSE BILL NO. HB 2004

By Committee on Education

"AN ACT concerning school districts; relating to certain pupils; amending K.S.A. 2010 Supp. 72-1046b and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2004 was thereupon introduced and read by title.)

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, February 10, 2011.

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 10, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Fund was excused on verified illness.

Reps. Colloton and Sloan were excused on legislative business.

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

Present later: Rep. Schwab.

Prayer by guest chaplain, Dr. Bruce L. Emmert, senior pastor, First United Methodist Church of Topeka, and guest of Rep. Tietze:

Lord our God.

Thank you for the men and women of the House of Representatives who come to elected office with the desire to seek what is best for all Kansans.

Their burden, Lord, is heavy. The demands of office are weighty.

Grant our Representatives wisdom as they consider the great issues facing our state and discernment as they listen to all the competing voices which seek to be heard.

Grant our Representatives patience with us who elected them when we want simplistic solutions to the complex issues facing us all.

Grant our Representatives an extra measure of grace when their best intentions are misunderstood, their decisions are questioned or their motives doubted.

And, Lord, grant our Representatives good-humored friendships with one another that transcend political distinctions as they work together for the people of Kansas.

Lord our God, for the men and women of the Kansas House of Representatives I give you thanks and praise. Amen.

The Pledge of Allegiance was led by Rep. Siegfreid.

Kansas Trivia Question – Forest Gill, a silk-screen printer in Johnson County, saw possibilities in a pressure-sensitive, waterproof paper he found in 1943. To Gill Studios we can extend our thanks for introducing what?

Answer: Bumper stickers

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2264, AN ACT concerning property taxation; relating to exemptions; mineral rights; repealing K.S.A. 79-420, by Committee on Taxation.

HB 2265, AN ACT concerning property; relating to delinquent taxes and special assessments; interest and penalties; redemption procedures; certain vacant land; amending K.S.A. 2010 Supp. 79-2004 and 79-2401a and repealing the existing sections, by Committee on Taxation.

HB 2266, AN ACT concerning sales taxation; relating to community improvement districts; notice of rate of tax; amending K.S.A. 2010 Supp. 12-6a31 and repealing the existing section, by Committee on Taxation.

HB 2267, AN ACT concerning utilities; relating to electric supply and demand reports, by Committee on Energy and Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Economic Development: HB 2243, HB 2244, HB 2256.

Corrections and Juvenile Justice: HB 2249, HB 2250, HB 2259.

Education: HB 2245, HB 2251, HB 2257; SB 11.

Education Budget: **HB 2248; SB 21**. Energy and Utilities: **HCR 5012**. Federal and State Affairs: **HB 2242**. General Government Budget: **HB 2262**.

Health and Human Services: HB 2241, HB 2255.

Judiciary: HB 2239, HB 2240, HB 2246, HB 2252, HB 2253, HB 2254, HB 2260,

HB 2261; SB 35, SB 38.

Pension and Benefits: **HB 2263**. Social Services Budget: **HB 2258**.

Taxation: **HB 2238**. Transportation: **HB 2247**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2197** from Committee on Education and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of HB 2218 from Committee on Judiciary and referral to Committee on Federal and State Affairs.

MESSAGE FROM THE GOVERNOR

February 10, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-02 for your information.

EXECUTIVE ORDER NO. 11-02 Concerning the Citizens Utility Ratepayer Board

Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

COMMUNICATIONS FROM STATE OFFICERS

From Robert E. Blecha, KBI Director, Kansas Bureau of Investigation 2010 Annual Report.

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

CONSENT CALENDAR

No objection was made to **HB 2082** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2023, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Peterson, Schwab, Sloan.

The bill passed, as amended.

HB 2028, AN ACT concerning trusts; relating to insurable interests of trustees, was considered on final action

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Peck.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Peterson, Schwab, Sloan.

The bill passed, as amended.

HB 2030, AN ACT concerning open records; relating to exceptions to disclosure; amending K.S.A. 12-2819 and, 2010 Supp. 9-513c, K.S.A. 2010 Supp. 12-5611, 12-5711, 12-5811, 40-2,118, 40-4913 and 45-229 and repealing the existing sections, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Peterson, Schwab, Sloan.

The bill passed, as amended.

On motion of Rep. Siegfreid, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted. Recommended that **HB 2083**, **HB 2078** be passed.

HB 2070 be passed over and retain a place on the calendar.

Committee report to **HB 2054** be adopted; and the bill be passed as a amended.

Committee report to HCR 5007 be adopted; also, Rep. Burroughs rose on a point of order asking for a ruling as to whether the resolution can be discussed without a fiscal note attached. The Rules Chair ruled that discussion could resume and action be taken.

Also, roll call was demanded on motion to recommend HCR 5007 favorably for passage.

On roll call, the vote was: Yeas 93; Nays 26; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Henderson, Henry, Hill, Kuether, Loganbill, McCray-Miller, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Grant, Lane, Peterson, Sloan.

The motion prevailed, and HCR 5007 be adopted as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2268, AN ACT concerning state agencies; relating to the collection of licenses, fees, charges, taxes and exactions, by Committee on Government Efficiency.

HB 2269, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435, 72-6449 and 72-6451 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Committee on Education.

HB 2270, AN ACT concerning school districts; relating to school finance; nonproficient pupils; amending K.S.A. 2010 Supp. 72-6407 and 72-6438 and repealing the existing sections, by Committee on Education.

HB 2271, AN ACT concerning agriculture; relating to plant pest inspection and

- control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections, by Committee on Agriculture and Natural Resources.
- **HB 2272**, AN ACT concerning water; relating to regulation by the department of agriculture, division of water resources, by Committee on Agriculture and Natural Resources.
- **HB 2273**, AN ACT designating part of K-99 as the Frankfurt Boys World War II highway; amending K.S.A. 2010 Supp. 68-1057 and repealing the existing section, by Committee on Transportation.
- **HB 2274**, AN ACT designating part of interstate highway 70 as the Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section, by Committee on Transportation.
- **HB 2275**, AN ACT concerning health insurance; relating to health provider payments, by Committee on Insurance.
- **HB 2276**, AN ACT concerning health insurance; relating to mandate lite health benefits plans; commissions; specially designed policies, by Committee on Insurance.
- **HB 2277**, AN ACT concerning crimes, punishment and criminal procedure; relating to driving under the influence; amending K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 75-5291 and repealing the existing sections. by Committee on Judiciary.
- **HB 2278**, AN ACT concerning income taxation; providing a checkoff for the Kansas hometown heroes fund, by Committee on Veterans, Military and Homeland Security.
- **HB 2279**, AN ACT concerning dental assistants; relating to the performance of coronal scaling, by Committee on Health and Human Services.
- **HB 2280**, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practioners; amending K.S.A. 65-1421, 65-1424, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404, 74-1405 and 74-1406 and K.S.A. 2010 Supp. 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Health and Human Services.
- **HB 2281**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2012, for the department of social and rehabilitative services; relating to home and community based services for autism, by Committee on Children and Families.
- **HB 2283**, AN ACT concerning lobbying and the use of public funds, by Committee on Judiciary.
- **HB 2284**, AN ACT concerning the use of public funds for lobbying for a tax increase, by Committee on Judiciary.
- **HB 2285**, AN ACT concerning motor vehicles; relating to cities and counties; seat belt violations; denial of certain state funds; amending K.S.A. 2010 Supp. 68-416 and 79-3425c and repealing the existing sections, by Committee on Transportation.
- **HB 2286**, AN ACT concerning school districts; relating to school finance; relating to supplemental general state aid; amending K.S.A. 2010 Supp. 72-6434 and repealing the existing section, by Committee on Education.
- **HB 2287**, AN ACT concerning sales taxations; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2010 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.
 - HB 2288, AN ACT concerning school districts; relating to the assessed valuation of

certain school districts, by Committee on Taxation.

- **HB 2289**, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2012, for the department on aging and the department of social and rehabilitation service; relating to home and community based services, by Committee on Children and Families.
- **HB 2290**, AN ACT concerning taxation; relating to mineral severance tax; distribution of revenue; amending K.S.A. 2010 Supp. 79-4227 and repealing the existing section, by Committee on Education.
- **HB 2291**, AN ACT concerning insurance; relating to automobile liability insurance; amending K.S.A. 40-284 and repealing the existing section, by Committee on Insurance.
- **HB 2292**, AN ACT concerning insurance; excluding coverage for certain abortions; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.
- **HB 2293**, AN ACT concerning insurance; relating to state employee health savings accounts, by Committee on Insurance.
- **HB 2294**, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, by Committee on Local Government.

HOUSE CONCURRENT RESOLUTION No. HCR 5013— By Committee on Federal and State Affairs

- A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon taxes, revenues and expenditures by
- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article thereto to read as follows:
 - "Article 16. -- REVENUE, EXPENDITURE AND ASSESSMENT LIMITATIONS.
 - "**§ 1. Definitions.** As used within this article:
- (a) "State" means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that "state" does not include any enterprise;
- (b) "local government" means any county, township, city, education district, other special district and any other taxing district or political subdivision of Kansas which is directly supported by tax funds, except that "local government" does not include any enterprise:
- (c) "enterprise" means a state-owned or local government-owned business authorized to issue its own revenue bonds and receiving less than 10% of its annual revenue in grants or other direct cash benefit from the state and local governments

combined;

- (d) "bond" means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness which, in any such case, is entered into or establishes a debt obligation for longer than one fiscal year, whether or not the interest on which is subject to federal income taxation:
- (e) "fiscal year" means the twelve-month fiscal period prescribed by law for the state:
- (f) "fiscal year spending" means all expenditures and reserve increases except, as to both, (1) expenditures for refunds of any kind, (2) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by employees and pension fund earnings, or (3) budget stabilization reserve fund transfers, emergency reserve fund transfers, or expenditures in accordance with this article:
- (g) "base revenue year" means the fiscal year ending June 30, 2011, or the succeeding fiscal year having the greatest total state revenue of any succeeding fiscal year that exceeds the total state revenue for the fiscal year ending June 30, 2011, if any;
- (h) "inflation" means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or the successor index to such consumer price index;
- (i) "population" means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census:
- (j) "education district" means each school district, vocational or technical school, community college, technical college, municipal university, and any other public educational entity established as provided by law, except that "education district" does not include any state educational institution under the control and supervision of the state board of regents; and
- (k) "total state revenue" means all moneys received by the state from any source except any of the following:
- (1) Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;
 - (2) moneys received from the federal government; and
- (3) moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are credited to such funds.
- § 2. Supermajority for passage of certain bills for new or increased taxes. On and after July 1, 2013, a supermajority of two-thirds of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill enacting or amending any law creating any new state tax or increasing the rate of any existing state income tax, sales tax, compensating use tax or other excise tax or a tax in the nature of an excise tax, property tax, or tax in the nature of a property tax, or estate or inheritance tax, or a tax in the nature of an estate or inheritance tax, or any combination thereof.

- § 3. Spending and Revenue Limits. (a) Except as provided by this section, for any fiscal year that commences on or after July 1, 2013, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number, adjusted for revenue changes resulting from acts enacted in accordance with section 2 of this article. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the state general fund from the state budget stabilization reserve fund pursuant to section 6 of this article. The limitation imposed on fiscal year spending for a fiscal year may be authorized to be exceeded by act of the legislature that is passed by a supermajority of two-thirds of the members then elected (or appointed) and qualified of each house, voting in the affirmative, and that authorizes fiscal year spending for such fiscal year in excess of such limitation.
- (b) For any fiscal year commencing on or after July 1, 2013, the total state revenue limitation shall be determined in accordance with this section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding (1) the lesser of (A) the amount of total state revenue for the preceding fiscal year or (B) the amount of the total state revenue limitation for the preceding fiscal year, and (2) the product of (A) the amount determined under clause (1) of this subsection, and (B) the sum of (i) the rate of inflation for the calendar year ending during the preceding fiscal year, plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.
- (c) If the amount of the total state revenue for the preceding fiscal year is less than the amount of total state revenue for the second preceding fiscal year, the amount of the total state revenue limitation for a fiscal year shall be the lesser of (1) the amount of total state revenue for the second preceding fiscal year, or (2) the amount of the total state revenue limitation for the base revenue year.
- (d) The legislature, by law, shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.
- (e) For the purposes of determining total revenue limitations under this section for the state, the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2012, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year and the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2013, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year.
- **§ 4. Budget Stabilization Reserve Fund.** (a) For any fiscal year that commences on or after July 1, 2013, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 3 of this article, then a portion

of the excess amount of state revenue shall be reserved as prescribed by this section or refunded as prescribed by section 6 of this article. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization reserve fund by this section.

- (b) An amount of any excess amount of total state revenue shall be transferred in the amount and in the manner prescribed by the legislature by law to the budget stabilization reserve fund, which fund is hereby created in the state treasury. The amount transferred to the budget stabilization reserve fund in accordance with this subsection shall be equal to the amount necessary to ensure that the balance in the budget stabilization reserve fund at the end of the fiscal year is an amount equal to 7% of the total state revenue limitation for the ensuing fiscal year. Income earned on the moneys credited to the budget stabilization reserve fund shall accrue to the budget stabilization reserve fund. In no case shall additional moneys be transferred into the budget stabilization reserve fund if the balance in the fund is equal to or more than 7% of the total state revenue limitation for the ensuing fiscal year. Each transfer to the budget stabilization reserve fund prescribed by this section shall be made before any transfer to the emergency reserve fund as provided in section 5 of this article or any refunds as required by section 6 of this article.
- (c) For any fiscal year that commences on or after July 1, 2013, if the amount of the total state revenue is less than the amount of total state revenue for the prior fiscal year, the legislature may provide by law for the transfer of moneys from the budget stabilization reserve fund to the state general fund in an amount equal to not more than the difference between the amount of total state revenue for the prior fiscal year and the amount of total state revenue for the current fiscal year. Under no other circumstances shall moneys be transferred or expended from the budget stabilization reserve fund of the state.
- § 5. Emergency Reserve Fund. (a) For any fiscal year that commences on or after July 1, 2013, if total state revenue exceeds the total state revenue limitation for that fiscal year, as determined in accordance with section 3 of this article, then, after making any transfer to the budget stabilization reserve fund as required by section 4 of this article, a portion of any remaining total state revenue in excess of the total state revenue limitation shall be transferred in the amount and in the manner prescribed by the legislature by law to the emergency reserve fund, which fund is hereby created in the state treasury, to the extent necessary to ensure that a balance of the emergency reserve fund at the end of the fiscal year is an amount equal to not more than 3% of the total state revenue limitation for the ensuing fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the emergency reserve fund by this section. Each transfer to the emergency reserve fund prescribed by this section shall be made after making any transfer to the budget stabilization reserve fund as provided in section 4 of this article. The state shall not be required to transfer any moneys other than any amount of total state revenue in excess of the total state revenue limitation to the emergency reserve fund. The moneys in the emergency reserve fund shall be in addition to, and shall not be used to meet, any other reserve requirement under this constitution or any law. In no case shall additional moneys be transferred to the emergency reserve fund if the balance in the emergency reserve fund is more than 3% of the total state

revenue limitation for the ensuing fiscal year.

- (b) Moneys in the emergency reserve fund may be expended only for an emergency declared by the governor to exist within the state. Income earned on moneys credited to the emergency reserve fund shall accrue to the emergency reserve fund.
- (c) As used in this section "emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety and general welfare of the people within the state and "emergency" does not mean a revenue shortfall or budget shortfall.
- §16. Disposition of Excess Revenues. (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the budget stabilization reserve fund and emergency reserve fund pursuant to section 4 or section 5 of this article, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, to the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.
- (b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.
- § 7. Temporary Borrowing. On or after July 1, 2013, during any fiscal year, transfers which are temporary and are to be repaid, or any other temporary borrowing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund, are prohibited unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the budget stabilization reserve fund or the emergency reserve fund to the state general fund in accordance with this article.
- **§ 8. General Revenue Supplanting.** On or after July 1, 2013, any appropriation of moneys in the state treasury that either supplants any appropriation from the state general fund, or that, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges or fees imposed on goods or services that do not exceed the cost of the goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.
- § 9. State Mandates on Local Governments. A local government may not be required to fulfill any mandate imposed by the state unless and until, and may be required to fulfill that mandate only to the extent that, funds are provided to the local government by the state for that purpose. The legislature is not required to appropriate funds for mandates if more than two years have passed since the effective date of the mandate and no claim for funding has been made by the local government during that period.

- § 10. Construction. (a) The provisions of this article shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this article shall be construed to authorize any new or increased tax of any kind other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.
- (b) In any case of a conflict between any provision of this article and any other provision contained in the constitution, the provisions of this article shall control.
- (c) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this article to conform with the provisions of this article."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. Beginning July 1, 2013, this amendment (1) would require a supermajority of two-thirds of all members of the House and of the Senate to pass certain bills related to the creation of a new tax or the increase in the rate of an existing tax, (2) would impose spending and revenue limits on the state based on increases in the consumer price index and population, with provisions to adjust for economic downturns or transferred functions. (3) would permit expenditures in excess of the limit imposed if authorized by a bill passed by a supermajority of two-thirds of all members of the House and of the Senate, (4) would provide for a state budget stabilization reserve fund to be used when state revenue declines, (5) would provide for a state emergency reserve fund to be used only for emergencies that are declared by the governor and not to be used for any revenue shortfall, (6) would provide for excess state revenues, after transfers to the reserve funds, to be refunded to state property or income taxpayers, (7) would limit state temporary borrowing to that repaid within the same year and would prohibit the state from replacing general revenues with excessive fees and charges for goods and services, (8) would provide that local governments could not be required to fulfill unfunded state mandates, and (9) would govern in case of conflicts with statutes or other state constitutional provisions.

"A vote for the proposition would limit state legislative authority and would require a supermajority of two-thirds of each house of the legislature for state tax increases or extensions, would impose state spending and revenue limits, would permit a supermajority of two-thirds of each house of the legislature to exceed the spending limit, would require excess state revenues to be reserved for economic downturns and emergencies, with limits, or to be refunded to taxpayers, would limit state temporary borrowing, would prohibit unfunded mandates on local governments.

"A vote against the proposition would continue the present constitutional and statutory authority for state government taxing and spending by law, for disposition of tax revenues and for other related matters in the exercise of the legislative power of this state."

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

November, 2012, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REPORT ON ENGROSSED BILLS

HB 2023, HB 2028, HB 2088 reported correctly engrossed on February 10, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Friday, February 11,2011.

Journal of the House

TWENTY-SECOND DAY

Hall of the House of Representatives, Topeka, KS, Friday, February 11, 2011, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Colloton, Fund and K. Wolf were excused on verified illness.

Rep. Sloan was excused on legislative business.

Rep. Kelley, Peterson and Rhoades were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, We come to the close of a busy, yet productive week. As we reflect back on all that has happened. if any of us have wounded someone by our words, may we act quickly to bring healing. If we have trampled over anyone in order to get our willful way, help us surrender our selfishness and reach out to help them up. If we have shown a spirit of contempt towards others, grant to us a spirit of respect and humility to apologize. You have placed us here to work together for the common good, so please search our hearts and purify any contentious attitudes. Thank you for watching over Rep. Fund yesterday during his surgery. We ask, Lord, that You touch him and bring a speedy recovery and a complete healing. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Arpke.

Kansas Trivia Question – During a national governors conference held in Kansas, Michigan's governor caused a flap by saying he found the accommodations in Lawrence to be less than adequate. His stinging words included the statement that Kansans considered a <u>what</u> to be a fancy hotel?

Answer: A Holiday Inn

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2282, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, by Committee on Agriculture and Natural Resources Budget.

HB 2295, AN ACT concerning parks and wildlife; relating to the regulation of hunting; amending K.S.A. 2010 Supp. 32-919, 32-932, 32-937, 32-980 and 32-988 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2296, AN ACT concerning state institutions and agencies; establishing the joint committee on oversight of the closure of the Kansas neurological institute and the Kansas neurological institute community conversion conservation fund, by Committee on Aging and Long Term Care.

HB 2297, AN ACT concerning service members; relating to civil relief in foreclosure proceedings, by Committee on Veterans, Military and Homeland Security.

HB 2298, AN ACT concerning veterans; relating to the executive director of the Kansas commission on veterans affairs; amending K.S.A. 73-1208c and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2299, AN ACT merchant and security police; prohibiting cities and counties from issuing licenses and permits; amending K.S.A. 12-1679 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2300, AN ACT concerning state legislatures; relating to re-employment, by Committee on Federal and State Affairs.

HB 2301, AN ACT providing for the phasing out and closure of the school for the deaf and the school for the blind, by Committee on Education.

HB 2302, AN ACT concerning schools; relating to charter schools; amending K.S.A. 2010 Supp. 72-1906 and repealing the existing section, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2271, HB 2272.

Appropriations: **HB 2268, HB 2281, HB 2289**. Corrections and Juvenile Justice: **HB 2277**.

Education: HB 2269, HB 2270, HB 2286, HB 2288.

Elections: **HB 2283**, **HB 2284**. Energy and Utilities: **HB 2267**.

Health and Human Services: HB 2279, HB 2280.

Insurance: HB 2275, HB 2276, HB 2291, HB 2292, HB 2293.

Local Government: HB 2294.

Taxation: HB 2264, HB 2265, HB 2266, HB 2278, HB 2287, HB 2290; HCR 5013.

Transportation: HB 2273, HB 2274, HB 2285.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of HB 2240 from Committee on Judiciary

and referral to Committee on Local Government.

COMMUNICATIONS FROM STATE OFFICERS

From Pat George, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report for 2010.

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

CONSENT CALENDAR

No objection was made to **HB 2082** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2082, AN ACT concerning the maintenance of previously installed medical gas piping systems in hospitals; amending K.S.A. 2010 Supp. 12-1509 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 2; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Gordon, Tyson.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf. The bill passed.

HB 2054, AN ACT concerning the Kansas technology enterprise corporation; pertaining to the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8101, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050 and 74-8105, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 29; Present but not voting: 1; Absent or not

voting: 7.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Vickrey, Victors, Weber, Winn, B. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Calloway, Carlin, Davis, DeGraaf, Feuerborn, D. Gatewood, S. Gatewood, Gordon, Grant, Henry, Kuether, Lane, Loganbill, Mah, Meier, Pauls, Phelps, Ruiz, Tietze, Trimmer, Tyson, Ward, Wetta, Williams, Wolfe Moore.

Present but not voting: O'Neal.

Absent or not voting. Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf. The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: I respectfully vote NO on **HB 2054**. Two years ago, I had the opportunity to serve on an interim committee charged with reviewing KTEC. I was impressed, and still am, with KTEC's ability to nurture the entrepreneurial spirit and mentor small businesses start-ups in Kansas. KTEC has proven its ability to stimulate business growth; something that is critical, especially now. I am voting no, because I am concerned that abolishing KTEC and dividing its responsibilities among various agencies will have a negative impact on the entrepreneurial spirit Kansas is so well known for.--Peter Degraaf, Doug Gatewood

HB 2078, AN ACT concerning the state school for the blind and the state school for the deaf; relating to training programs; amending K.S.A. 76-1102a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf.

The bill passed.

HB 2083, AN ACT relating to mortuary arts; concerning the notification of individuals with prefinanced funeral agreements; amending K.S.A. 65-1713a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: Kinzer.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf. The bill passed.

HCR 5007, A CONCURRENT RESOLUTION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 27; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Henderson, Henry, Hill, Kuether, Lane, Loganbill, McCray-Miller, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Fund, Kelley, Peterson, Rhoades, Sloan, K. Wolf. A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Because I feel that the Health Care Freedom Amendment (HCR 5007) misleads the Kansas Public by ignoring more than 100 years of constitutional precedent when it promises protection from federal law that it cannot constitutionally provide; and because I have an obligation to stand for honesty in the political process, I must respectfully vote No on HCR 5007.--ED TRIMMER, MIKE SLATTERY, ANNIE TIETZE, SEAN GATEWOOD, GAIL FINNEY, GERALDINE FLAHARTY, MELODY McCRAY-MILLER, SYDNEY CARLIN

Mr. Speaker: I have a number of concerns about the individual mandate contained in the Affordable Care Act. However, this constitutional amendment is unnecessary and will have no impact on the pending challenges in the federal court system. I vote no on HCR 5007.—Paul Davis

Mr. Speaker: The federal health care mandate, endangering the personal and specific constitutional liberties of Kansans, will not be forced on our state. It was a plan Kansans did not support. It was a plan Kansans would not have supported. As their advocates, we owe our citizens the ability to express their collective disapproval at the polls. Voters deserve to send a focused message to the federal government rejecting not only the contents of this bill, but the manner in which it was crafted, and the method with which it was passed. I am proud to grant them this ability, and vote YES on HCR 5007.--Arlen H. Siegereid, S. Mike Kiegerl, Steven R. Brunk

Mr. Speaker: Kansans value their right to determine their own health care choices without the intervention of the federal government. In November, voters made clear their displeasure with the federal government's health care reform power-grab. The Kansas Health Care Freedom Amendment gives Kansans the opportunity to express their own views on whether the federal government can force them to purchase health insurance.

I believe that Kansans should be allowed to express their opinions about health care reform at the ballot box. My constituents have made it clear they want to decide whether they will be allowed to make their health care decisions. Mr. Speaker, I vote yes on HCR 5007.—Peggy Mast, Owen Donohoe, Joe McLeland, Joe Seiwert

Mr. Speaker: One year ago, as an average citizen, I watched helplessly as our elected leaders passed laws eroding state sovereignty and individual freedom. Unable to accept the notion that this would become the new American standard in government, I decided to run for office. Today, as an elected leader and at the direct and explicit request of my constituents, I'm poroud to support the health care freedom amendment. With its passage, we empower voters to reject the growth of government, sustain the rights of individuals, and vigorously defend our state sovereignty. I vote yes on HCR 5007.--Robert (Bob) Montgomery, Amanda Grosserode, TerriLois Gregory, Kelly Meigs, Joseph Scapa, Rob Bruchman, Kyle Hoffman, Ronald W. Rychman, Denny Hedke, Jim Denning, Benny L. Boman, J. Stephen Alford, Tom Arpke, Ward Cassidy, Dan Collins, Susan

Mosier, Steven Johnson, James Fawcett, Leslie Osterman, Jim Howell, Brian A. Weber, Greg Smith, Reynaldo Mesa, Brett Hildabrand, Ramon C. Gonzalez Jr., Rick Billinger, Jana Goodman, Caryn Tyson, Randy Garber

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Knox in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Knox, Committee of the Whole report, as follows, was adopted:

Recommended that HB 2071 be passed over and retain a place on the calendar.

On motion of Rep. Powell, **HB 2070** be amended on page 1, following line 14, by inserting:

- "Sec. 2. K.S.A. 2010 Supp. 26-507 is hereby amended to read as follows: 26-507. (a) Payment of award; vesting of rights. If the plaintiff desires to continue with the proceeding as to particular tracts the plaintiff, within 30 days from the time the appraisers' report is filed, shall pay to the clerk of the district court the amount of the appraisers' award as to those particular tracts and court costs accrued to date, including appraisers' fees. Except as provided in subsection (c) of K.S.A. 26-508, and amendments thereto, such payment shall be without prejudice to plaintiff's right to appeal from the appraisers' award. Except as provided further, upon such payment being made, the title, easement or interest appropriated in the land condemned shall thereupon immediately vest in the plaintiff, and it shall be entitled to the immediate possession of the land to the extent necessary for the purpose for which taken and consistent with the title, easement or interest condemned. If such property contains a defendant's personal property, a defendant shall have 14 days from the date such payment is made to the clerk of the district court to remove such personal property from the premises. The plaintiff shall be entitled to all the remedies provided by law for the securing of such possession. The clerk of the district court shall notify the interested parties that the appraisers' award has been paid and that the defendant shall have 14 days from the payment date to remove personal property from the premises.
- (b) Abandonment. If the plaintiff does not make the payment prescribed in subsection (a) for any of the tracts described in the petition, within 30 days, from the time the appraisers' report is filed, the condemnation is abandoned as to those tracts, and judgment for costs, including the appraisers' fees together with judgment in favor of the defendant for the reasonable expenses incurred in defense of the action, shall be entered against the plaintiff. After such payment is made by the plaintiff to the clerk of the court, as provided in subsection (a), the proceedings as to those tracts for which payment has been made can only be abandoned by the mutual consent of the plaintiff and the parties interested in the award.
- Sec. 3. K.S.A. 2010 Supp. 26-508 is hereby amended to read as follows: 26-508. (a) Except as provided in subsection (c), if the plaintiff, or any defendant, is dissatisfied with the award of the appraisers, such party, within 30 days after the filing of the appraisers' report, may appeal from the award by filing a written notice of appeal with the clerk of the district court. The appeal shall be deemed perfected upon the filing of the notice of appeal. In the event any parties shall perfect an appeal, copies of such notice of appeal shall be mailed to all parties affected by such appeal, within seven days

after the date of the perfection thereof. An appeal by the plaintiff or any defendant shall bring the issue of damages to all interests in the tract before the court for trial de novo. The appeal shall be docketed as a new civil action, the docket fee of a new court action shall be collected and the appeal shall be tried as any other civil action. The only issue to be determined therein shall be the compensation required by K.S.A. 26-513, and amendments thereto.

- (b) This section, as amended by this act, shall be construed and applied prospectively, as well as retroactively to July 1, 2003, and shall apply to all eminent domain proceedings pending on or commenced after July 1, 2003.
- (c) (1) The department of transportation through the secretary of transportation, as plaintiff, shall not have the right to appeal from the appraiser's award.
- (2) This subsection shall be construed and applied prospectively, as well as retroactively to January 1, 2009, and shall apply to all eminent domain proceedings pending on or commenced after January 1, 2009.";

And by renumbering sections accordingly;

On page 1, in line 15, after "Supp." by inserting "26-507, 26-508 and"; also in line 15, by striking "is" and inserting "are";

In the title, in line 1, by striking "notification of payment"; in line 2, by striking "of"; also in line 2, by inserting after "award"", notification and restrictions"; also in line 2, after "Supp." by inserting "26-507, 26-508 and"; in line 3, by striking "section" and inserting "sections"; and **HB 2070** be passed as a amended.

Committee report to **HB 2008** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Elections** recommends **HB 2080** be amended on page 1, in line 25, by striking "the", in line 26, by striking "Wednesday next following"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2128** be amended on page 1, in line 16, after "public" by inserting "sector funds"; after "funds" by inserting "from the current contractor of the sponsoring government entity"; in line 28, after "act. " by inserting "Sec. 2. Violations of this section shall subject the candidate to a civil fine for each violation to be imposed under the provisions of K.S.A. 25-4181, and amendments thereto.": and the bill be passed as amended.

Committee on Federal and State Affairs recommends HB 2006, HB 2013 be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 25, by Representative Crum, congratulating Cole Howerton on winning "If I Were Mayor" essay contest;

Request No. 26, by Representative O'Brien, congratulating Tyler Keohane on achieving the rank of Eagle Scout:

be approved and the Chief Clerk of the House be directed to order the printing of said

certificates and order drafting of said resolutions.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

- **HB 2303**, AN ACT concerning utilities; relating to rates for electricity and variable time-of-day pricing, by Committee on Energy and Utilities.
- **HB 2304**, AN ACT concerning rules and regulations; relating to nullification, by Committee on Judiciary.
- **HB 2305**, AN ACT concerning board of indigents' defense; amending K.S.A. 22-4519 and repealing the existing section, by Committee on Judiciary.
- **HB 2306**, AN ACT concerning the department of administration; relating to the requirements for purchase of motor vehicles by state agencies, by Committee on Government Efficiency.
- HB 2307, AN ACT enacting the Kansas residential roofing act, by Committee on Insurance.
- **HB 2308**, AN ACT concerning elections; relating to campaign finance; amending K.S.A. 2010 Supp. 25-4148 and repealing the existing section, by Committee on Elections.
- **HB 2309**, AN ACT concerning campaign finance; relating to transfer of campaign funds; amending K.S.A. 25-4157 and K.S.A. 2010 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Elections.
- **HB 2310**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 2010 Supp. 74-4914 and 74-4937 and repealing the existing sections, by Committee on Pension and Benefits.
- **HB 2311**, AN ACT concerning retirement and pensions; enacting the Kansas public employees retirement system defined contribution act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits and contributions; death and disability benefits, by Committee on Pension and Benefits.
- **HB 2312**, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109 and 50-6,111 and repealing the existing sections, by Committee on Judiciary.
- **HB 2313**, AN ACT concerning civil procedure; relating to social and rehabilitation services; amending K.S.A. 60-1501 and repealing the existing section, by Committee on Judiciary.
- **HB 2314**, AN ACT concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a and 24-409 and repealing the existing sections, by Committee on Taxation.
- **HB 2315**, AN ACT concerning public health; relating to the licensure of home nursing agencies, home health agencies and home services agencies; amending K.S.A. 65-5101, 65-5102, 65-5103, 65-5105, 65-5106, 65-5107, 65-5108, 65-5109, 65-5111,

65-5115 and 65-5116 and K.S.A. 2010 Supp. 65-5104, 65-5112 and 65-5117 and repealing the existing sections, by Committee on Aging and Long Term Care.

On motion of Rep. Siegfreid, the House recessed until 12:30 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

- **HB 2316**, AN ACT concerning economic development; establishing the bioscience investment fund; taxation of certain bonds; amending K.S.A. 2010 Supp. 79-32,117 and repealing the existing section, by Committee on Vision 2020.
- **HB 2317**, AN ACT concerning taxation; relating to IMPACT program, withholding, requirements, limitations; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration, expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,132, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152, by Committee on Taxation.
- **HB 2318**, AN ACT concerning crimes and punishment; relating to controlled substances; amending K.S.A. 2010 Supp. 21-36a01, 21-36a05, 21-36a09, 21-36a10, 21-36a13 and 21-36a14 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2319**, AN ACT concerning crimes, criminal procedure and punishment; relating to house arrest. Amending sections 244, 249 and 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.
- **HB 2320**, AN ACT concerning oil and gas; relating to unit operations; amending K.S.A. 55-1305 and repealing the existing section, by Committee on Agriculture and Natural Resources.
- HB 2321, AN ACT concerning crimes and punishment; creating the crimes of armed criminal action and endangerment; relating to further amendments to the recodified criminal code; amending K.S.A. 2010 Supp. 21-4010 and 21-4012 and sections 9, 34, 37, 61, 68, 71, 81, 92, 93, 129, 130, 132, 136, 165, 197, 223, 224 and 300 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3302, 21-3446, 21-3447, 21-3506 and 21-4311, by Committee on Corrections and Juvenile Justice.
- **HB 2322**, AN ACT concerning the Kansas offender registration act; amending K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907 and 22-4913 and repealing the existing sections; also repealing K.S.A. 22-4912, by Committee on Corrections and Juvenile Justice.
- **HB 2323**, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of

imprisonment for life without the possibility of parole; amending K.S.A. 22-3405, 22-3705 and 22-4210 and K.S.A. 2010 Supp. 22-3717, 22-3728, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and sections 54, 254, 258, 260, 262, 266, 268, 269 and 287 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4619, 21-4623, 21-4624, 21-4634, 21-4642, 22-3717c and 38-2255a and sections 36, 257 and 259 of chapter 136 of the 2010 Session Laws of Kansas, by Committee on Corrections and Juvenile Justice.

HB 2324, AN ACT concerning cigarettes and tobacco products; relating to electronic cigarettes; amending K.S.A. 2010 Supp. 79-3321 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2325, AN ACT concerning crimes, criminal procedure and punishment; relating to the calculation of good time credits for inmates on postrelease supervision; amending K.S.A. 2010 Supp. 22-3717 and section 302 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 22-3717c, by Committee on Corrections and Juvenile Justice.

HB 2326, AN ACT concerning crimes, criminal procedure and punishment; relating to offender supervision and placement; amending K.S.A. 2010 Supp. 75-5291 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2327, AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing of veterans suffering from posttraumatic stress disorder; amending K.S.A. 2010 Supp. 73-1209 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2328, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employer contributions; amending K.S.A. 2010 Supp. 74-4920 and repealing the existing section, by Committee on Pension and Benefits.

HB 2329, AN ACT concerning courts; relating to expunged records; relating to petitions for relief; amending K.S.A. 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 22-2410 and 38-2312 and section 254 of chapter 136 or the 2010 Session Laws of Kansas repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2330, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by department of health and environment; amending K.S.A. 79-5210 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2331, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program, by Committee on Taxation.

HB 2332, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending sections 33, 34, 35 and 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Judiciary.

HB 2333, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; normal retirement date; amending K.S.A. 74-4914c and

K.S.A. 2010 Supp. 74-4914 and 74-4937 and repealing the existing sections, by Committee on Pension and Benefits.

HB 2334, AN ACT concerning crimes, criminal procedure and punishment; relating to competence of defendants to stand trial; repealing K.S.A. 22-3301 and 22-3306 and K.S.A. 2010 Supp. 22-3302, 22-3303, 22-3305 and 22-3305a, by Committee on Corrections and Juvenile Justice.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2038 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2118 be amended on page 1, following line 6, by inserting:

- "Section 1. K.S.A. 2010 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:
- (1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;
 - (2) impose the fine applicable to the offense;
- (3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement:
- (4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;
- (5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;
- (6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;
- (7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502, and amendments thereto:
- (8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809, and amendments thereto, or aggravated escape, as defined in K.S.A.

- 21-3810, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson under K.S.A. 21-3718 or 21-3719, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;
- (9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;
- (10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;
- (11) if the defendant is convicted of a misdemeanor or <u>convicted of</u> a felony <u>provision of specified in</u> subsection (i) of K.S.A. 21-4704, and amendments thereto, assign the defendant to a work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program;
- (12) pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;
- $\frac{(12)}{(13)}$ impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) and (12); or
 - (13) (14) suspend imposition of sentence in misdemeanor cases.
- (b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 21-4018, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.
- (2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an

appropriate division of the court for the conduct of civil collection proceedings.

- (c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502, and amendments thereto.
- (d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- (e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.
- (f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.
- (2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.
- (3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise

presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

- (g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid. prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.
- (h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.
- In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.
- (j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a

person from office, or impose any other civil penalty as a result of conviction of crime.

- (k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.
- The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 21-4729, and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611, and amendments thereto.
- (m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.
- (n) Except as provided by subsection (f) of K.S.A. 21-4705, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 21-4729, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-52,144, and amendments thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 21-4705, and amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.
- (o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be

suspended for one year.

- (2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- (3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.
- (B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.
- (C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.
- (4) As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto"; and renumbering sections accordingly;

On page 4, in line 13, by striking "excess of" and inserting "addition to the"; in line 16, before "section" by inserting "On and after July 1, 2011,";

On page 11, in line 41, following "Supp." by inserting "21-4603d and"; also in line 41, by striking all following "22-2802; in line 42, by striking "of the 2010 Session Laws of Kansas";

Also on page 11, following line 42, by inserting "Sec. 5. On and after July 1, 2011, section 244 of chapter 136 of the 2010 Session Laws of Kansas is hereby repealed."

On page 12, in line 1, by striking "statute book" and inserting "Kansas Register";

On page 1, in the title, in line 3, after "Supp." by inserting "21-4603d and"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2030 reported correctly engrossed February 10, 2011.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Monday, February 14, 2011.

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, February 14, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Fund, K. Wolf and Worley were excused on verified illness. Reps. Aurand and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Norwood V. Brown, III, pastor, Rolling Hills Presbyterian Church, Overland Park, and guest of Rep. Bruchman:

This great body has had many preachers, chaplains, rabbis and other religious leaders pray over and pray for you. This morning I asked the children of Representative Bruchman's church to help lead us in prayer. These are the prayers from the children and confirmation class of the Rolling Hills Presbyterian Church in Over land Park.

Dear God, Thank you for people who help other people.

Dear God, Help us make the world a better place.

Help me not to put oil in the sea.

I'm thankful for going to school and learning. I also think we should not pollute.

I'm thankful for our teachers and my family. I feel very blessed. I hope to get a day off school.

I'm very thankful that the government gives us good teachers. I hope that the government will help us not pollute; make more cars that run on electricity; make trash areas smaller and have more recycling.

I'm thankful for the police keeping the criminals in jail.

Thank you for keeping our state safe and putting crazy people in jail.

I am thankful for cross walks.

We are thankful for freedom of speech and freedom of religion. Thank you for protecting our freedoms.

We are thankful for the opportunity to be educated and to live in an educated society. Thank you for valuing that.

Help us remember those who have less. Help us remember

people as people.

I conclude with pictures form our smallest children. I cannot interpret them; however, I appreciate their help.

Please keep Senator Les Donovan and his wife Sissy in our prayers.

Together we pray for the sake and welfare of our great state of Kansas. Amen.

The Pledge of Allegiance was led by Rep. Winn.

Kansas Trivia Question – The song "Home on the Range" was adopted by the Kansas Legislature as the official Kansas song in what year?

Answer: 1947

INTRODUCTION OF GUESTS

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

The Topeka Rotary Club is hosting a delegation of Russian policy makers from the Ivanovo region in Russia from February 9 to February 19. They are visiting the Kansas Capitol today in order to learn about democracy in the heartland. They arrived in Kansas last Friday for a home-stay with Rotary families and will spend this week learning about various levels of government in the Topeka area.

The Open World Leadership Center which sponsors their visit was founded to enable young Eurasian elected officials and civic leaders to observe the American democratic system firsthand. The Open World Leadership Center believes that principles of accountability, governance and the role of citizenry in government are most effectively illustrated through direct interaction between participants and their U.S. Professional counterparts and through hosted community and cultural activities.

Our visitors began last Thursday with an orientation in Washington, D.C., and with visits to the Congressional offices of Representative Lynn Jenkins and Senator Jerry Moran.

Open World has nearly 15,000 alumni and a network of over 5,300 U.S. host families. Program alumni hail from Russia and other Eurasian countries and include mayors, parliamentarians, judges, regional administrators, journalists, educators, non-profit directors and community activitists.

It is my pleasure to introduce this year's delegation to the state of Kansas: Mr. Ilya Sergeyevich Berezkin, Mr. Nikolay Yuryevich Korchagin, Mr. Mikhail Aleksandrovich Ratmanov, Mr. Igor Nikolayevich Shipkov, Mr. Igor Yevgenyevich Volkov, and Mr. Denis Viktorovich Pryamonosov. They are accompanied by Mr. Ilya Papinako, their translator, and Joan Wagnon of Topeka.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2335, AN ACT concerning the Kansas act against discrimination; amending K.S.A. 44-1002 and 44-1006 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2336, AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission, by Committee on Federal and State Affairs.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Davis, **HCR 5014**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5014 --

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

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 5:00 p.m. on February 15, 2011, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: HB 2296, HB 2315.

Agriculture and Natural Resources: HB 2282, HB 2295, HB 2320.

Appropriations: HB 2298.

Corrections and Juvenile Justice: HB 2312, HB 2318, HB 2319, HB 2321, HB 2322, HB 2325, HB 2326, HB 2327, HB 2329, HB 2332, HB 2334.

Education: **HB 2301, HB 2302**. Elections: **HB 2308, HB 2309**.

Energy and Utilities: HB 2303, HB 2304.

Federal and State Affairs: HB 2300, HB 2323, HB 2324.

General Government Budget: **HB 2306**. Health and Human Services: **HB 2330**.

Insurance: HB 2307.

Judiciary: **HB 2297, HB 2305, HB 2313**. Local Government: **HB 2299, HB 2314**.

Pensions and Benefits: HB 2310, HB 2311, HB 2328, HB 2333.

Taxation: HB 2316, HB 2317, HB 2331.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2008, AN ACT concerning crimes and punishment; relating to identity theft; amending Section 177 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not

voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore.

Nays: Kuether, Swanson.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Schwab, K. Wolf, Worley.

The bill passed, as amended.

HB 2070, AN ACT concerning eminent domain; relating to appraisers' award, notification and restrictions; amending K.S.A. 2010 Supp. 26-507, 26-508 and 26-510 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Billinger, Bollier, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf.

Nays: Ballard, Bethell, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kelley, Kiegerl, Kinzer, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peterson, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Schwab, K. Wolf, Worley.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2133** be passed.

Committee on Commerce and Economic Development recommends HB 2134 be

amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2134," as follows:

"Substitute for HOUSE BILL NO. 2134

By Committee on Commerce and Economic Development

"AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-532a, 44-534a, 44-536 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511, 44-523 and 44-552 and repealing the existing sections; also repealing K.S.A. 44-510a and 44-520a and K.S.A. 2010 Supp. 44-596."; and the substitute bill be passed.

(Sub. HB 2134 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2035** be amended on page 7, following line 27, by inserting "(i) Nothing in this section shall be construed to restrict the authority of the board of healing arts to engage in a disciplinary action."; in line 34, by striking "(i)" and inserting "(j)"; in line 38, by striking "(j)" and inserting "(k)"; and the bill be passed as amended.

Committee on Government Efficiency recommends HB 2157 be passed.

Committee on **Transportation** recommends **HB 2093** be amended on page 1, in line 21, by striking "Except as provided under subsection (g),"; also in line 21 by striking "\$15" and inserting "\$20"; in line 22, by striking "\$15" and inserting "\$20";

On page 2, in line 4, by striking "Except as provided under"; in line 5, by striking "subsection (g),"; also in line 5, by striking "\$15" and inserting "\$20"; in line 6, by striking "\$15" and inserting "\$20";

On page 3, by striking all in lines 12 through 14; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2060** be amended on page 1, by striking all in lines 9 through 15;

And by redesignating subsections and paragraphs accordingly:

On page 2, following in line 2, by inserting "(b) If the decedent died during active military service, as provided in 10 U.S.C. § 1481(a)(1) through (8), in any branch of the United States armed forces, United States reserve forces or national guard, the person authorized by the decedent to direct disposition pursuant to public law 109-163, § 564, as listed on the decedent's United States department of defense record of emergency data, DD Form 93, or its successor form, shall take priority over all other persons described in subsection (a)."; by striking "(b)" and inserting "(c)"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2337, AN ACT concerning abortion; relating to licensure of abortion clinics, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2008, HB 2054, HB 2070 reported correctly engrossed February 14, 2011.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5007 reported correctly engrossed February 11, 2011.

On motion of Rep. Siegfreid the House adjourned until until 11:00 a.m., Tuesday, February 15, 2011.

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 15, 2011, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Frownfelter, Fund, Kiegerl, K. Wolf and Worley were excused on verified illness.

Rep. Colloton was excused on legislative business.

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

Prayer by guest chaplain, the Rev. Jack LeRoy, chaplain, Leavenworth VA Center, and guest of Rep. Goodman:

Oh Lord my God and Savior,

As we come before you praying for your guidance and deliverance we ask that you give the elected officials a clear heart and clear mind, so that they may perform the rightful duties that they were elected for by their constituents and not those of vested interest groups. We ask that you watch over them during their deliberations and performance of duties and give them protection from harm.

Let us not forget to ask you for the protection of all the men and women who are in harm's way, protecting the "rights" and "freedom" this Glorious Nation has provided us. And let us remember the sacrifices they daily give for us to have these rights and the freedom to speak out against injustices without fear of harm or retaliation.

All of this we ask in thy blessed name. Amen

The Pledge of Allegiance was led by Rep. Goodman.

Kansas Trivia Question – What was the original name of the song that became our official state song and who composed the song?

Answer: "My Western Home," by Dr. Brewster Highley

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2338, AN ACT concerning taxation; providing a sales tax exemption for certain commercial data centers; amending K.S.A. 2010 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5015—

By Committee on Judiciary

- A PROPOSITION to amend sections 2, 5 and 8 of article 3 of the constitution of the state of Kansas; relating to the selection and term of office of supreme court justices. Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:
- Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 2 article 3 of the constitution of the state of Kansas is amended to read as follows:
- "§ 2. Supreme Court. (a) The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.
- (b) Justices of the supreme court: (1) Shall hold their offices during good behavior; (2) shall be subject to the retirement, discipline and removal for cause provisions of section 15 of article 3 of the constitution of the state of Kansas; and (3) shall not be subject to a retention election."
- Sec. 2 The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of the constitution of the state of Kansas is amended to read as follows:
- "§ 5. Selection of justices of the Supreme Court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file his declaration of candidacy to succeed himself as hereinafter required, or failure of a justice to be elected to succeed himself, shall be filled by appointment by the governor, with the consent of the senate, of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.
 - (b) In event of the failure of the governor to make the appointment within sixty

days from the time the names of the nominees are submitted to him-the governor, the chief justice of the supreme court shall make the appointment from such nominees, with the consent of the senate.

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

"Shall (Here insert name of justice.)

(Here insert the title of the court.)

be retained in office?"

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

- (c) Whenever a vacancy occurs or will occur or a position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.
- (d) No person appointed pursuant to subsection (a) or (b) of this section shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 30 days after such appointment is received by the senate. If the senate is not in session and will not be in session with the 30-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 30 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office, whose name has been submitted to the governor by the supreme court nominating commission, and such subsequent appointment shall be considered by the senate by the same procedure as provided in this section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has previously been appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the 30-day time limitation set forth herein, the senate shall be deemed to have given consent to such appointment.
- (d)(e) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as

the "supreme court nominating commission." Said commission shall be organized as hereinafter provided.

- (e)(f) The supreme court nominating commission shall be composed as follows: One member, who shall be chairman, chosen from among their number by the members of the bar who are residents of and licensed in Kansas; one member from each congressional district chosen from among their number by the resident members of the bar in each such district; and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district. Three members shall be appointed by the speaker of the house of representatives, three members shall be appointed by the president of the senate and three members shall be appointed by the governor. All members shall be residents of Kansas. One member appointed by the speaker of the house of representatives, one member appointed by the president of the senate and one member appointed by the governor shall be members of the bar in good standing licensed in Kansas. The other members shall not be attorneys. The governor shall appoint one of the nine members of the supreme court nominating commission to serve as such commission's chairperson.
- (f)(g) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.
- (g)(h) No member of the supreme court nominating commission shall, while he is a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.
- (i) No justice of the supreme court serving on the supreme court on the date of ratification of this amendment by the electors of the state shall be required to stand for a retention election in order to be retained in office on such date or anytime thereafter."
- Sec. 3. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 8 of the constitution of the state of Kansas is amended to read as follows:
- "§ 8. Prohibition of political activity by justices and certain judges. No justice of the supreme court who is appointed or retained under the procedure of section 5 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 6 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign."
- Sec. 4. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to allow the governor to appoint a qualified person to the office of justice of the supreme court, and such person's appointment would be required to be consented to by the senate. If the governor fails to act, the chief justice of the supreme court would appoint a qualified person, and such person's appointment would also be required to be consented to by the senate. The nonpartisan supreme court nominating commission membership would be changed to include appointments by the speaker of the house of representatives and the president of the senate. The gubernatorial appointments to the commission would be reduced from four members to three members. The members of the bar would no longer

elect members of the commission. The commission would continue to nominate three persons for appointment by the governor. A procedure is established whereby senate consent would occur within 30 days of receiving the appointment. If the senate does not consent by a majority vote, the governor would then select an appointment which would again go to the senate for consent. The same appointment and consent procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 30 days, it will be considered that the senate has consented to the appointment. Further, the supreme court justices would hold the office during good behavior, be subject to the retirement, discipline and removal for cause provisions of section 15 of article 3 of the Kansas constitution and would no longer be subject to a retention election.

"A vote for this proposition would provide a procedure whereby the governor or chief justice would appoint a person to be a supreme court justice and the senate, by majority vote, would consent to the appointment of supreme court justices. The supreme court nominating commission would continue to nominate three qualified persons to the governor. The supreme court justices would hold the office during good behavior, be subject to the retirement, discipline and removal for cause provisions of section 15 of article 3 of the Kansas constitution and would no longer be subject to a retention election.

"A vote against this proposition would continue in effect the current provision whereby the supreme court nominating commission nominates three persons for the office of the supreme court and the governor appoints one of such persons. Further, the justices of the supreme court would continue to hold six year terms and be subject to retention elections."

Sec. 5. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November of the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Economic Development: HB 2336.

Federal and State Affairs: HB 2337.

Judiciary: HB 2335.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawl of **HB 2009** from the Calendar under the heading General Orders and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2235** from Committee on Financial Institutions and referral to Committee on Commerce and Economic Development.

In accordance with **HCR 5014** providing for a joint session for the purpose of hearing a message from the Supreme Court, Speaker O'Neal appointed Reps. Goico, Burgess and Ballard to escort the Senate; Reps. McLeland, Powell and Pauls to escort the Supreme Court.

On motion of Rep. Siegfreid, the House resolved into Committee of the Whole with Rep. Rhoades in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rep. Rhoades, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2038** be passed.

Committee report to HB 2017 be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2200** be amended on page 5, in line 27, by striking all after "(c)"; by striking all in lines 28 through 31; in line 32, by striking "(d)"; and the bill be passed as amended.

Committee on Government Efficiency recommends HB 2140 be passed.

Committee on **Insurance** recommends **HB 2074** be passed, and because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2029** be amended on page 2, in line 32, following "technologist" by inserting "currently registered in any area of sonography credentialed through the American registry of radiology technologists, the American registry for diagnostic medical sonography or cardiovascular credentialing international and"; in line 33, following "surgery" by inserting ","; and the bill be passed as amended.

Committee on Transportation recommends HB 2003 be passed.

Committee on **Transportation** recommends **HB 2058** be amended on page 2, in line 33, after "motorcycle" by inserting "or a person riding a bicycle"; in line 36, by striking "motorcyle" and inserting "motorcycle or bicycle"; in line 37, by striking all after "rules"; in line 38, by striking all before the period and inserting "stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2339, AN ACT concerning crimes, punishment and crinimal procedure; amending K.S.A. 8-254, 8-285, 8-1450, 9-2004, 19-101d, 19-27,139, 19-4808, 20-369, 22-2411, 22-2615, 22-2307, 22-2908, 22-3008, 22-3102, 22-3414, 22-3415, 22-3427, 22-3429, 22-3436, 22-3439, 22-3602, 22-3701, 22-3725, 22-4807a, 34-228, 34-249a, 36-602, 38-1132, 39-720, 39-785, K.S.A. Supp. 8-255, 8-116a, 8-255, 8-262, 8-287, 8-2,144, 8-1013, 8-1102, 8-1567, 8-2106, 8-2117, 8-2410, 12-16,119, 12-4104, 12-4516, 12-4516a, 12-4517, 17-12a508, 20-2207, 20-2208, 20-3207, 22-2310, 22-3410, 22-2512, 22-2802, 22-2901, 22-2909, 22-3212, 21-3212a, 21-3220, 21-3221, 22-3303, 22-3426, 22-3716, 22-3717, 22-3727, 22-3727a, 22-4614, 22-4616, 22-4617, 22-4902, 22-4906, 28-177, 32-1013, 32-1047, 32-1063, 36-604, 38-2202, 38-2255, 38-2271, 38-2302, 38-2303, 38-2309, 38-2310, 38-2312, 38-2313, 38-2326, 38-2331, 38-2355, 38-2356, 38-2361, 38-2364, 38-2365, 38-2371, 38-2377, 39-970, 40-252, 40-2,118, 40-1702, 40-3213, Section 2, 11, 21, 22, 23, 24, 25, 26, 28, 33, 34, 35, 39, 47, 48, 49, 52, 53, 56, 57, 60, 61, 62, 64, 67, 68, 70, 74, 76, 78, 88, 96, 98, 105, 136, 139, 141, 147, 158, 159, 164, 177, 183, 186, 187, 188, 189, 190, 192, 194, 198, 209, 212, 223, 225, 230, 232. 242, 243, 244, 247, 248, 254, 257, 259. 260, 262, 266, 267, 268, 269, 271, 285, 291, 292, 298 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing 22-3220 and K.S.A. 2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of, 21-3412a, as amended by section 6 of chapter 101 of the 2010 Session Laws of, 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of, K.S.A. 2010 Supp. 8-255, 21-3105, 21-3211, 21-3212, 21-3212a, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218, 21-3220, 21-3301, 21-3302, 21-3303, 21-3437, 21-3446, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516, 21-3520, 21-3608a, 21-3826, 21-4018, 21-4201, 21-4203, 21-4204, 21-4218, 21-4226, 21-4311, 21-4316, 21-4603d, 21-4610a, 21-4619, 21-4623, 21-4624, 21-4632, 21-3221; Section 2, Section 105, Section 11, Section 136, Section 139, Section 141, Section 147, Section 158, Section 159, Section 164, Section 177, Section 183, Section 186, Section 187, Section 189, Section 190, Section 192, Section 194, Section 198 of chapter 136 of the 2010 Session Laws of Kansas, Section 21, Section 22, Section 23, Section 24, Section 25, Section 26, Section 28, Section 33, Section 34, Section 35, Section 39, Section 47, Section 48, Section 49, Section 52, Section 53, Section 56, Section 57, Section 60, Section 61, Section 62, Section 64, Section 67, Section 68, Section 70, Section 74, Section 76, Section 78, Section 88, Section 96 and Section 98 and repealing the existing section, by Committee on Appropriations.

HB 2340, AN ACT concerning smoking; amending K.S.A. 2010 Supp. 21-4010 and repealing the existing section, by Committee on Federal and State Affairs.

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

EVENING SESSION

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

It being the hour in accordance with **HCR 5014** to meet in joint session with the Senate to hear the message of the Chief Justice, Reps. Goico, Burgess and Ballard escorted President Morris and members of the Senate to seats in the House.

Reps. McLeland, Powell and Pauls and Senators King and Kultala escorted the Chief Justice to the rostrum and other members of the Supreme Court to seats in the House.

Chief Justice Lawton R. Nuss addressed remarks on the State of the Judiciary to the members of the House and Senate.

REPORT ON ENGROSSED BILLS

HB 2014, HB 2049 reported correctly engrossed February 14, 2011.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5003; Sub. HR 6004 reported correctly engrossed February 14, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, February 16, 2011.

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 16, 2011, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Fund, Kiegerl, O'Hara and K. Wolf were excused on verified illness.

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

Prayer by Chaplain Brubaker:

Lord God,
You are our strength and our salvation.
Fill us with Your love and compassion.
Cleanse us from self-interest and help us be others-minded.
May our heart-felt dedication to public service
be transformed into deeper commitment to serve You,
and in doing so, serve others.
Help us to desire Your understanding, truth and peace
so that we many administer it to others.
We ask for continued healing for our colleagues,
Representatives Kiegerl and Fund.
Touch them physically, fill them with Your peace,
and give strength to their families.
In Christ's Name I pray. Amen.

The Pledge of Allegiance was led by Rep. Brookens.

Kansas Trivia Question – Who owned the cabin where Dr. Highley composed the song that would later become our official state song and where was it located?

Answer: R.A. "Pete" Rust, who farmed northwest of Smith Center.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2341, AN ACT concerning waste; relating to litter control; requiring certain beverage containers to be redeemable; prohibiting certain conduct and providing penalty for violation thereof; establishing the returnable container deposit fund, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Corrections and Juvenile Justice: **HB 2339**. Health and Human Services: **HB 2340**.

Judiciary: HCR 5015. Taxation: HB 2338.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawl of **HB 2018** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2310**, **HB 2311**, **HB 2328**, **HB 2333** from Committee on Pensions and Benefits and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Kevin M. Carr, President & CEO, Kansas Technology Enterprise Corporation (KTEC), pursuant to K.S.A 74-8136(c), Annual Report for the Angel Tax Credit program.

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

MESSAGES FROM THE SENATE

Announcing passage of HB 2014, as amended by S. Sub. for HB 2014.

Also, announcing adoption of HCR 5014, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

Also, announcing the appointment of Senators King and Kultala as Senate membersw of the committee to wait upon the Supreme Court Justices.

Also, announcing passage of SB 5, SB 12, SB 34, SB 45, SB 58, SB 60, SB 62, SB 65.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 5, SB 12, SB 34, SB 45, SB 58, SB 60, SB 62, SB 65.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6009—

By Committee on Agriculture and Natural Resources

A RESOLUTION urging the U.S. Army Corps of Engineers to accept "Life of the

Project" conservation easements.

WHEREAS, Conservation easements are needed to protect mitigation areas resulting from construction of watershed district flood retarding dams that require constant maintenance and management for an extended period of time; and

WHEREAS, The life of the project is defined as a period of time whereby the dam continues to function as a result of maintenance or rehabilitation; and

WHEREAS, By definition, the life of the project would therefore equate to perpetuity; and

WHEREAS, Since the terms would be equal, it is not necessary for the easement language to state perpetuity as the required term of the easement; and

WHEREAS, Landowners are reluctant to sign perpetuity easements for a period of time without limits; and

WHEREAS, Whenever the impacted stream, woodland or wetland is returned to its pre-dam condition as agreed to by the Corps, dam owner and landowner, the easement would be terminated; and

WHEREAS, The intent to maintain the mitigation easement area the same as is required of the project that created the need for the mitigation area is understood by the dam owner, landowner and the Corps: Now, therefore,

Be it resolved by the House of the State of Kansas: That the members of the Kansas House of Representatives stand in support of efforts to convince the U.S. Army Corps of Engineers to accept conservation easement language for the "Life of the Project" and not for perpetuity; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the Secretary of Defense, the Speaker of the United States House of Representatives, the United States Senate Majority Leader, the United States Senate Republican Leader, and each member of the Kansas Congressional Delegation.

CONSENT CALENDAR

No objection was made to **HB 2074** appearing on the calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2017, AN ACT concerning school districts; relating to enrollment of pupils eligible for free meals under the national school lunch act, was considered on final action

On roll call, the vote was: Yeas 85; Nays 33; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Swanson, Tyson, Vickrey, Weber, B.

Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Pottorff, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Hara, Peterson, Schwab, Suellentrop, K. Wolf.

The bill passed, as amended.

HB 2038, AN ACT concerning crimes, criminal procedure and punishment; amending section 298 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Hara, Peterson, Schwab, Suellentrop, K. Wolf

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Rhoades, the House nonconcurred in Senate amendments to S. Sub. for HB 2014 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Rhoades, Kelley and Feuerborn as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Kinzer in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2071** be passed.

Committee report recommending a substitute bill to Sub. HB 2134 be adopted; also,

on motion of Rep. Brown, be amended on page 31, in line 20, after "thereto," by inserting "from an authorized medical provider"; in line 22, after "treatment" by inserting "from an authorized medical provider";

Also, on further motion of Rep. Brown, **Sub. HB 2134** be amended on page 3, in line 31, after "compensation" by inserting ", except for medical benefits provided pursuant to K.S.A. 44-510h, and amendments thereto,";

On page 5, in line 35, by striking "(b)" and inserting "(c)";

On page 27, in line 1, by striking ". To calculate the"; by striking all in lines 2 through 4; in line 5, by striking all before the comma and inserting ", excluding the first 15 weeks of temporary total disability compensation that was paid"; following line 11, by inserting "To calculate the number of weeks of temporary disability compensation to be deducted pursuant to subparagraph (F)(ii), divide the sum of all temporary total and temporary partial disability compensation paid by the payment rate determined in subsection (a)(2)(E)(i)."; and **Sub. HB 2134** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture and Natural Resources recommends HB 2184, HB 2205 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2104 be amended on page 3, in line 6, by striking all following "(16)(a)"; in line 7, by striking all before ",such" and inserting "information limited to whether a person is a current patient of any treatment facility"; also in line 7, by striking "patient" and inserting "person"; in line 9, by striking "individual" and inserting "person"; in line 11, by striking "individual" and inserting "person"; in line 15, by striking "individual" and inserting "person"; on line 31 by striking "(b)" and inserting "(c)"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2015** be amended on page 1, following line 31, by inserting a new paragraph to read as follows: "(e) The provisions of this section shall expire on June 30, 2014."; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2124** be amended on page 2, in line 30, after "more" by inserting "professional";

On page 1, in the title, in line 1, after "to" by inserting "professional"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2175**, **HB 2230** be passed. Committee on **Judiciary** recommends **HB 2010** be passed.

Committee on **Judiciary** recommends **HB 2027** be amended on page 1, in line 20, by striking "pursuant to"; in line 21, by striking "procedures provided" and inserting "under the Kansas administrative procedure act or other procedures required"; also in line 21, by striking all following "law"; by striking all in line 22; in line 23, by striking all before the period and inserting ", except that such order shall not be used as precedent in any subsequent adjudication against a person who was not a party to the original adjudication unless the order is:

- (i) Designated by the agency as precedent;
- (ii) listed in a publicly available index, maintained by the agency and published on its website, of all orders designated as precedent:
- (iii) published by posting in full on an agency website in a format capable of being searched by key terms;

- (iv) made available to the public in such other manner as may be prescribed by the secretary of state; and
- (v) not overruled by a court or later adjudication"; and the bill be passed as amended

Committee on Transportation recommends HB 2169, HB 2172 be passed.

Committee on **Transportation** recommends **HB 2132** be amended on page 1, in line 33, by striking "No renewal of registration shall be made to any applicant until"; by striking all in line 34; in line 35, by striking "(b)."; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2171** be amended on page 5, in line 18, by striking "\$60" and inserting "\$75"; in line 19, by striking "\$60" and inserting "\$75"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2342**, AN ACT concerning property taxation; relating to appraisals; mill levy adjustments; resolutions; amending K.S.A. 79-5a04, 79-1412a, 79-1460a and 79-1466 and K.S.A. 2010 Supp. 79-1448, 79-1460 and 79-2925b and repealing the existing sections, by Committee on Taxation.
- **HB 2343**, AN ACT concerning children and minors; relating to adoption; amending K.S.A. 2010 Supp. 38-2270 and repealing the existing section, by Committee on Federal and State Affairs.
- **HB 2344**, AN ACT concerning children and minors; relating to permanency planning; amending K.S.A. 2010 Supp. 38-2263 and repealing the existing section, by Committee on Federal and State Affairs.
- **HB 2345**, AN ACT concerning children and minors; relating to orders of temporary custody; amending K.S.A. 2010 Supp. 38-2243 and repealing the existing section, by Committee on Federal and State Affairs.
- **HB 2346**, AN ACT concerning criminal procedure; relating to sex offenders; amending K.S.A. 22-4903 and K.S.A. 2010 Supp. 8-243, 8-255, 22-4902, 22-4904 and 22-4913 and sections 7, 285 and 299 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. HCR 5016—

By Representative Fawcett

A CONCURRENT RESOLUTION urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam.

WHEREAS, Thousands of veterans of the Vietnam War suffer from the effects of exposure to Agent Orange, a powerful and toxic defoliant used to clear areas of dense vegetation used as enemy hideouts; and

WHEREAS, Agent Orange exposure causes a variety of devastating health effects, such as increased rates of cancer, immune system disorders and genetic maladies which

lead to birth defects in the children of those exposed; and

WHEREAS, Although the use of Agent Orange is most commonly associated with the country of Vietnam, it was also used extensively in surrounding areas such as Thailand: and

WHEREAS, Many veterans affected by exposure to Agent Orange proudly and bravely served their country in these surrounding areas without ever actually setting foot in Vietnam itself; and

WHEREAS, These veterans are struggling to obtain the same medical benefits to deal with their exposure as those who served on the ground in Vietnam: Now, therefore, Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Congress of the United States is urged to work with the Department of Veterans Affairs to ensure that Vietnam veterans who served in areas surrounding Vietnam itself are able to receive the same medical benefits for the treatment of Agent Orange exposure as those who served within the country's borders; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Fawcett.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, February, 17, 2011.

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 17, 2011, 11:00 a.m.

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

The roll was called with 119 members present. Reps. Fund, Kiegerl, O'Hara and K. Wolf were excused on verified illness.

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

Prayer by guest chaplain, the Rev. Jesse Allen, pastor, Lamont Wesleyan Church.

Heavenly Father I pray today that the Spirit of the Living God descend upon this Chamber. Today we have need of your assistance as these men and women seek to build and restore the work of the people of our state.

Lord we are in need of your wisdom. Abraham Lincoln once prayed "Oh, Thou God that heard Solomon in the night when he prayed and cried for wisdom, hear me. . . . I cannot guide the affairs of this nation without Thy help. Hear me and save this nation."

Father I pray that the fruit of your Spirit will pour over this body and may this session of the House of the great state of Kansas set out policy that leaves behind institutional thinking, and self-interest in the pursuit of justice, unity, and peace.

May the work done today be a reflection of your heart and will so all may live out the freedom reflected in the undeserved privilege we have been given by the work of your grace. In Jesus' name. Amen.

The Pledge of Allegiance was led by Rep. Grant.

Kansas Trivia Question – Dr. Samuel Crumbine, a Dodge City doctor who was the state's chief public health officer in the early 20th Century, advocated several reforms. He eliminated the public hand towel, required that hotels change bedsheets between daily guests, and also paid Kansas children a bounty for what?

Answer: Dead flies

Madison, and guest of Rep. Mast:

INTRODUCTION OF GUESTS

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

The Governor signed a Proclamation that today, February 17, 2011, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team. Ten of those scholars are here on the Floor with me and the remainder are in the Gallery with us today.

Phi Theta Kappa is an International Honor Society for two year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join Phi Theta Kappa whose mission is two-fold: to recognize and encourage the academic achievement of two-year college students, and to provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Fifty one students have been named to the All Kansas Academic Team and they represent all Nineteen Kansas community colleges from across Kansas and were named to this team based upon their academic achievement, leadership and community service.

Because of their academic achievement, service and leadership they have been awarded scholarship and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

PERSONAL PRIVILEGE

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

Mr. Speaker, thank you for the opportunity to announce the birth of my first great grandchild, Kristina Marie, six pounds, three ounces, born this morning. She is the daughter of Stephanie and Jace Carlin-McNabb. This is my 11th grandchild and the fifth one born since I became a House member in 2003. The other four were not born during the session and I wasn't able to announce them to the body. The candy will be passed out today by the doormen.

INTRODUCTION OF GUESTS

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

Today, February 17, has been designated by the Governor as Jordy Nelson Day in Kansas. Jordy led all receivers with nine catches for 140 yards, including the first touchdown for the Green Bay Packers midway through the first quarter of the Super Bowl win, defeating the Pittsburgh Steelers, 31-25.

Coming from District 106 that represents Leonardville, I have been acquainted with the family and their business for many years. It is really exciting for the people in that community to be able to have the opportunity to see a hometown boy be a part of a champion team.

Our family as K-State fans has followed Jordy during his career at K-State as a walkon to the football program. Now I am a Green Bay Packer fan and during the season I continue to look for the #87.

The point I want to make is that rural areas aren't just about little towns – they're big communities. The little towns are part of the big community, and we get behind the individuals. I think that is what makes rural Kansas great.

Jordy has a big following and the whole State is proud of his accomplishments.

It is my honor to introduce Jordy and his family – wife, Emily, son, Royal, and parents, Alan and Kim Nelson from Leonardville.

Leonardville is a small town in North Central Kansas where the Nelson family own and manage "Nelson's Landing" – a great place to eat!

Joining me today in recognizing Jordy and his family are fellow Representatives Sydney Carlin, Vern Swanson, Susan Mosier and Vince Wetta.

Please join me in honoring Jordy today.

Rep. Schwartz presented Jordy with a framed House certificate.

INTRODUCTION OF GUESTS

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

It is a great honor for me today to introduce to you twelve year old "Burgermeister" Donovan Duggins and his parents Gwen and Maurice Duggins from Wichita.

Donovan is a 7th grade student at Robinson Middle School who, in December, won the very prestigious and competitive national 5th Annual Red Robin Kids' Cook-Off Championship in Denver, Colorado.

During the Kids' Cook-Off Championship, the top ten kid-chef finalists showed off their culinary skills by making their gourmet burger recipes in a Food Network-style showdown and presenting them to a panel of celebrity judges.

Donovan created America's next gourmet burger to support child safety – the "Mt. Vesuvius Burger."

Donovan's "Mt. Vesuvius Burger" was named the Red Robin Kids' Cook-Off Grand-Prize Winner following an "Iron Chef"-like competition with nine other kid-chef finalists, whose burger recipes were selected from thousands of entries from across the U.S.

Contestants also shared why they thought their burger recipe should win in 100 words or less. Each kid-chef finalist was judged based on their gourmet burger recipe, essay and overall presentation.

As the grand-prize winner of a family vacation to Universal Orlando Resort, Donovan's "Mt. Vesuvius Burger," made with a beef patty, sesame seed bun, crumbled blue cheese, bacon, provolone cheese and his own Lava Sauce consisting of sweet BBQ sauce, hot sauce, garlic powder and paprika, will be sold in all U.S. Red Robin restaurants this summer, and fifty cents of every "Mt. Vesuvius Burger" sold will support the National Center for Missing & Exploited Children's (NCMEC) child safety efforts.

In addition to Donovan's "Mt. Vesuvius Burger" winning the grand prize, his creation was also honored as the "Fan Favorite." Through a consumer-driven online voting

process, more than 2,000 Americans voted for Donovan's "Mt. Vesuvius Burger," and he received additional prizes including a \$100 gift card to Toys "R" Us and a \$200 Red Robin gift card.

Please join me and Representative Brunk in congratulating Donovan on his outstanding achievement.

Rep. Finney presented Donovan with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

- **HB 2347**, AN ACT concerning income taxation; relating to the earned income tax credit; amending K.S.A. 2010 Supp. 79-32,205 and repealing the existing section, by Committee on Taxation.
- **HB 2348**, AN ACT concerning income taxation; relating to information required on returns; social security numbers; amending K.S.A. 2010 Supp. 79-3221 and repealing the existing section, by Committee on Taxation.
- **HB 2349**, AN ACT concerning income taxation; relating to credit for dependent care expenses; social security numbers in support thereof; amending K.S.A. 79-32,111a and repealing the existing section, by Committee on Taxation.
- **HB 2350**, AN ACT concerning property taxation; imposing a payment in lieu of tax on certain qualifying crude oil pipelines; procedure, by Committee on Taxation.
- **HB 2351**, AN ACT concerning fiscal notes for certain legislative bills; requiring consideration of dynamic scoring analysis in preparation thereof, by Committee on Taxation.
- **HB 2352**, AN ACT concerning property taxation; relating to exemptions; public utilities; notice and opportunity to be heard for counties; amending K.S.A. 2010 Supp. 79-213 and 79-5a27 and repealing the existing sections, by Committee on Taxation.
- **HB 2353**, AN ACT concerning the personal and family protection act; amending K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Federal and State Affairs.
- **HB 2354**, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2010 Supp. 74-8702, 74-8734, 74-8741, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. HCR 5017—

By Committee on Taxation

- A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to classification and taxation of watercraft.
- Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

- **"§ 1. System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993 2013, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles *and watercraft*, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor: Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

 - (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law....12%

 - (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%

 - Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

 - (3)Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed33%
 - (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985......30%

- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property25%
- (6) All other tangible personal property not otherwise specifically classified30%
- (b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:
- "Explanatory statement. This amendment would allow the legislature to classify and tax watercraft upon a basis different from other property.
- "A vote for this proposition would permit the legislature to provide for separate classification and taxation of watercraft or to exempt such property from property taxation and impose taxes in lieu thereof.
- "A vote against this proposition would continue the taxation of watercraft in the same manner as all other property."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on November 6, 2012.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HR 6009.

Commerce and Economic Development: HB 2341.

Corrections and Juvenile Justice: SB 60.

Health and Human Services: SB 5.

Insurance: SB 65.

Judiciary: HB 2343, HB 2344, HB 2345, HB 2346; SB 12, SB 34, SB 45, SB 62.

Taxation: **HB 2342**. Transportation: **SB 58**.

Veterans, Military and Homeland Security: HCR 5016.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2321**, **HB 2322** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2014** and has appointed Senators McGinn, Vratil and Kelly as conferees on the part ot the Senate.

Also, announcing passage of SB 37, SB 77.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were introduced and read by title:

SB 37, SB 77.

CONSENT CALENDAR

No objection was made to **HB 2074** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2071, AN ACT concerning inheritance rights; relating to revocation upon divorce, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 19; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, C. Holmes, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Brown, Brunk, DeGraaf, Dillmore, Donohoe, Gregory, Hermanson, Hoffman, M. Holmes, Howell, Landwehr, Lane, Mast, Meier, Powell, Scapa, Shultz, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Hara, Peterson, Schwab, K. Wolf. The bill passed.

Sub. HB 2134, AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-532a, 44-534a, 44-536 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511, 44-523 and 44-552 and repealing the existing

sections; also repealing K.S.A. 44-510a and 44-520a and K.S.A. 2010 Supp. 44-596, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 29; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Winn, Wolfe Moore

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Hara, Peterson, Schwab, K. Wolf.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: I vote No on **Sub. HB 2134**. The original legislation was a strong workers' compensation compromise representing hundreds of hours of negotiation between business and workers organizations that rarely agree on this very complex issue. Committee amendments, however upset the delicate balance reached by the parties who negotiated the original compromise. For this reason, I vote 'No.'-- Mike Slattery, Sean Gatewood, Barbara Ballard, Ann Mah, Stan Frownfelter, Gail Finney, Vince Wetta, Melody McCray-Miller, Kathy Wolfe Moore, Annie Tietze, Ed Trimmer, Judith Loganbill, Valdenia Winn, Melanie Meier, Annie Kuether, Paul Davis, Broderick Henderson, Tom Burroughs, Jerry Henry, Janice L. Pauls, Eber Phelps, Sydney Carlin, Bob Grant, Louis Ruiz, Ponka We Victors, Geraldine Flaharty, Nile Dilmore

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Powell in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Powell, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2013**, **HB 2140** be passed.

Committee report to **HB 2029** be adopted; and the bill be passed as a amended.

Committee report to **HB 2060** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2044 be amended

on page 1, in line 17, by striking "this section which" and inserting "subsection (a) when an accident"; in line 18, by striking "under" and inserting "of less than"; in line 22, after "\$1,000" by inserting "or more"; in line 25, by striking "5" and inserting "6";

On page 2, in line 10, after "possible," by inserting "shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and"; by striking all in lines 15 through 24; following line 24 by inserting "(b) If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:

- (1) There is apparently property damage of \$1000 or more;
- (2) any person involved in the accident is injured or killed; or
- (3) the persons specified in subsection (a) are not present or in condition to receive such information.":

On page 3, in line 22, by striking "any" and inserting "such other"; in line 23, by striking "including such driver's vehicle,"; in line 32, by striking "section" and inserting "subsection"; in line 33, after "misdemeanor" by inserting "and, upon conviction shall be punished as provided in K.S.A. 8-2116, and amendments thereto";

On page 5, in line 35, after "8-1566," by inserting "8-1567,"; also in line 35, after "8-1602," by inserting "8-1605"; in line 38, after "thereto" by inserting ", or a violation of a city ordinance or law of another state which would also constitute a violation of such sections"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2267** be passed, and because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar.

Committee on **Energy and Utilities** recommends **HB 2141** be amended on page 1, in line 23, by striking "No interest in any resource located on a tract of land and solely"; by striking all in lines 24 through 30; and inserting "No person other than the surface owner of a tract of land shall have the right to use such land for the production of wind or solar generated energy unless granted such right by the lawful owner of the surface estate by lease or easement for a definite period."; in line 31, by striking "this act" and inserting "subsection (b)"; also in line 31, by striking "property owner"; by striking all in line 32; in line 33, by striking "any tract of land severed" and inserting "lease or easement filed of record"; also in line 33, after "1, 2011" by inserting ", with the register of deeds of the county in which the tract is located"; following in line 33, by inserting "(d) Nothing in this section shall be construed to affect any otherwise enforceable restriction on the use of any tract of land for the production of wind or solar energy whether or not such restriction is in the form of an easement for a definite term."; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were thereupon introduced and read by title:

HB 2355, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5018 – By Committee on Education

A PROPOSITION to revise article 6 of the constitution of the state of Kansas; relating to education

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 6 of the constitution of the state of Kansas is hereby revised to read as follows:

"Article 6. -- EDUCATION

- "§ 1. Schools and related institutions and activities System of public education. The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities a system of public education which may be organized and changed in such manner as may be provided by law.
- "§ 2. State board of education and state board of regents Governance. (a) The legislature shall provide for a state board of education which shall have general-supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law. The legislature shall make suitable provision for the governance of the system of public education and the schools and institutions that are parts of the system.
- (b) The legislature shall provide for the supervision of elementary and secondary schools and such other educational institutions and interests.
- (b) (c) The legislature shall provide for a state board of regents and for its control and the supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate orpostbaccalaureate degrees and such other educational institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.
- (d) The legislature may provide for such other instrumentalities of governance, supervision or control of the schools, educational institutions and interests of the state as the legislature may deem necessary. Such instrumentalities shall perform such duties as may be provided by law.
- (e) (e) Any municipal university shall be operated, supervised and controlled as may be provided by law.
- "§ 3. Members of state board of education and state board of regents. (a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The

legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

- (b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.
- (e) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.
- "§ 4. §3. Commissioner Secretary of education. The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer. The governor shall appoint a secretary of education, subject to confirmation by the senate. The secretary shall serve at the pleasure of the governor and exercise such powers and perform such duties as may be provided by law.
- "§ 5. §4. Local Public elementary and secondary schools. Local Public elementary and secondary schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but . All such agreements shall be subject to limitation, change or termination by the legislature. The secretary of education shall exercise such supervision over the maintenance, development and operation of public elementary and secondary schools as may be provided by law.
- "§ 6. § 5. Finance. (a) The legislature shall make suitable provision for finance of the system of public education. The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and appropriate the same to the several institutions, which levy; provide for apportionment and appropriation shall continue until changed by statute. Of the proceeds of such tax. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.
- (b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school or other public educational institution to pupils persons required by law to attend such school, except such fees or supplemental charges as may be or institution. Fees other than tuition may be charged to such persons when authorized by law. The legislature may authorize the state board of regents to establish or require the charging of tuition, and other fees and charges at institutions under its supervision. for attendance at any public school or other public educational institution to persons who are not required by law to attend such school or institution.
 - (c) No religious sect or sects shall control any part of the public educational funds.
- "§ 7. §6. Savings clause. (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969 2012.

- (b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.
- (e) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education."
- Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The education article of the state constitution is very explicit in specifying the manner in which certain functions in the field of public education are to be performed. For example, the education article specifies that the function of governance of public schools and other public education institutions will be performed by the state board of education or the state board of regents. Since the education article is so explicit with regard to the performance of certain functions in the field of public education, the legislature is restrained from providing for changes in the performance of such functions by statute even though changes may be deemed necessary or desirable by the people.

"A vote for this proposition would not mandate a change in public education policy or governance. A vote for this proposition would amend the education article to make its operation more flexible so that the legislature, and through its members, the people, would have more freedom in providing for public education policy and governance.

"A vote against this proposition will continue in effect the present operation of the education article."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2011 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REPORT ON ENGROSSED BILLS

HB 2017 reported correctly engrossed February 16, 2011. Also, **Sub. HB 2134** reported correctly engrossed February 17, 2011.

REPORT ON ENGROSSED RESOLUTIONS

Sub. HR 6004 reported correctly engrossed February 17, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Friday, February 18, 2011.

Journal of the House

TWENTY-SEVENTH DAY

Hall of the House of Representatives, Торека, KS, Friday, February 18, 2011, 11:00 а.m.

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

The roll was called with 118 members present.

Reps. Fund, Kiegerl, and K. Wolf were excused on verified illness.

Reps. Dillmore, Montgomery, Peterson and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Whatever the circumstances we find ourselves in today. we take comfort in the promises of Your Word. For those feeling stressed... "In my distress I called to the Lord; I cried to my God for help. From his temple he heard my voice; my cry came before him, into his ears." For those feeling overwhelmed... "He reached down from on high and took hold of me; He drew me out of deep waters. He rescued me from those who were too strong for me; the Lord was my support." For those desiring to keep the faith... "To the faithful you show yourself faithful, to the blameless you show yourself blameless, to the pure you show yourself pure." For those seeking the right answers... "As for God, his way is perfect; the word of the Lord is flawless. It is God who arms me with strength and makes my way perfect." In Your Son's Name, I claim these promises, Amen. (Based on Psalm 18)

The Pledge of Allegiance was led by Rep. Peck.

Kansas Trivia Question – In the 1890's in Wichita, Alexander P. Hyde invented a patent medicine called 'The Little Nurse for Little Ills' that made him the richest man in Kansas for a time. What was the medicine?

Answer: Mentholatum

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2356, AN ACT concerning retirement and pensions; relating to employment after retirement; amending K.S.A. 2010 Supp. 74-4914 and repealing the existing section, by Committee on Appropriations.

HB 2357, AN ACT creating the Arkansas river gaging fund, by Committee on Appropriations.

HB 2358, AN ACT concerning taxation; relating to rate of taxation; distribution of revenue, refunds of sales tax on food; income taxation, certain credits; amending K.S.A. 2010 Supp. 79-32,205, 79-3603, 79-3620, 79-3633, 79-3635, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Appropriations.

HB 2359, AN ACT concerning criminal procedure; relating to health care payments for persons in custody; amending K.S.A. 22-4612 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. HCR 5019—

By Committee on Appropriations

A CONCURRENT RESOLUTION requesting the study and recommendation of an administrative reorganization of school districts by the state board of education.

WHEREAS, Article 6 of the constitution of the state of Kansas requires the legislature to make suitable provision for the finance of the educational interests of the students of Kansas and to provide for the intellectual, educational, vocational and scientific improvement in the educational interests of the students of Kansas; and

WHEREAS, In fulfillment of its constitutional obligations to the students of Kansas, the legislature hereby finds and declares that there is a need for a reorganization in the administration of the public school system; and

WHEREAS, The legislature hereby recognizes that the state board of education has the information and resources to study, design and make recommendations on the structure of such reorganization: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the state board of education is hereby requested to study, design and make recommendations on the reorganization of the administration of the public school system such that upon such reorganization there is no more than one superintendent overseeing every 10,000 pupils enrolled in public schools; and

Be it further resolved: That the state board of education is to prepare a report on its recommended reorganization and present such report to the legislature no later than January 1, 2012; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the Kansas State Board of Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Economic Development: SB 77.

Corrections and Juvenile Justice: SB 37.

Education: HCR 5018.

Federal and State Affairs: HB 2353, HB 2354.

Taxation: HB 2347, HB 2348, HB 2349, HB 2350, HB 2351, HB 2352, HB 2355; HCR 5017.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2087**, **HB 2305** from Committee on Judiciary and referral to Committee on Appropriations.

CONSENT CALENDAR

No objection was made to **HB 2267** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2074** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2074, AN ACT concerning insurance rate filings; pertaining to the disclosure of certain information; amending K.S.A. 2010 Supp. 40-955 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 5; Present but not voting: 1; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Grosserode, Hildabrand, Kinzer, Tyson.

Present but not voting: Landwehr.

Absent or not voting: Dillmore, Fund, Kiegerl, Montgomery, Peterson, Schwab, K. Wolf.

The bill passed.

HB 2013, AN ACT repealing K.S.A. 48-1901, 48-1902, 48-1903, 48-1904 and 48-

1905; concerning the sale and purchase of certain firearms. , was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Kiegerl, Montgomery, Peterson, Schwab, K. Wolf.

The bill passed.

HB 2029, AN ACT concerning the Kansas tort claims act; concerning charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Kiegerl, Montgomery, Peterson, Schwab, K. Wolf.

The bill passed, as amended.

HB 2060, AN ACT concerning disposal of decedents' remains; amending K.S.A. 65-1734 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Kiegerl, Montgomery, Peterson, Schwab, K. Wolf.

The bill passed, as amended.

HB 2140, AN ACT concerning expired committees, commissions, and task forces; amending K.S.A. 2010 Supp. 65-1,177 and repealing the existing sections; also repealing K.S.A. 12-5309, 46-2701, 46-3201, and 66-1226 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923 and 46-3702, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Kiegerl, Montgomery, Peterson, Schwab, K. Wolf.

The bill passed.

On motion of Rep. Siegfreid, the House resolved into Committee of the Whole, with Rep. Brown in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Brown, Committee of the Whole report, as follows, was adopted:

HB 2205, HB 2172, HB 2175, HB 2230 be passed.

HB 2124 be passed over and retain a place on the calendar.

Committee report to HB 2118 be adopted; and the bill be passed as a amended.

Committee report to **HB 2093** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2171** be adopted; also, on motion of Rep. Rep. Knox, to rerefer **HB 2171** to Committee on Transportation, the motion prevailed.

Committee report to **HB 2132** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2231** be amended on page 2, in line 31, after "account" by inserting "authorized by the term permit";

On page 1, in the title, in line 1, by striking "water bank" and inserting "multi-year"; and the bill be passed as amended.

Committee on Agriculture and Natural Resources Budget recommends HB 2149 be amended on page 1, in line 30, after "purchased" by inserting ", or by 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"; and the bill be passed as amended.

Committee on Commerce and Economic Development recommends HB 2125, HB 2130 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2151, HB 2249 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2152, HB 2227 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Energy and Utilities** recommends **HB 2122** be amended on page 1, in line 30 after "fund.", by inserting "After all amounts have been paid pursuant to certifications for the fiscal year ending on June 30,"; in line 31, by striking "remain"; by striking all in line 32; in line 33, by striking "production incentives in ensuing fiscal years."; and inserting "be transferred by the director of accounts and reports to the motor vehicle fuel tax refund fund.";

On page 2, following line 1, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 79-34,163 is hereby amended to read as follows: 79-34,163. (a) A Kansas qualified agricultural ethyl alcohol producer shall be paid a production incentive for distilling agricultural ethyl alcohol. The incentive shall be payable to the Kansas qualified agricultural ethyl alcohol producer from the Kansas qualified agricultural ethyl alcohol producer incentive fund. The amount of the production incentive shall be as follows:

- (1) During fiscal years 2002, 2003 and 2004, the amount shall be \$.05 for each gallon of agricultural ethyl alcohol sold by the producer who is in production prior to July 1, 2001, to an alcohol blender. Any such amounts pursuant to this subsection shall be paid from the current production account of the Kansas qualified agricultural ethyl alcohol producer incentive fund;
- (2) If the producer who is in production prior to July 1, 2001, increases the producer's agricultural ethyl alcohol production capacity on or after July 1, 2001, by an amount of 5,000,000 gallons over the producer's base sales, such producer shall receive an amount equal to \$.075-\$.035 for each gallon of agricultural ethyl alcohol sold by the producer to an alcohol blender that is in excess of the producer's base sales. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amount shall be paid from the new production account of the fund; and
- (3) any producer who commences production on or after July 1, 2001, the amount shall be \$.075\$.035 for each gallon of agricultural ethyl alcohol sold by such producer to an alcohol blender, if such producer has sold at least 5,000,000 gallons. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amounts shall be paid from the new production account of the fund.
- (b) For the purposes of subsection (a), a producer's base sales shall be the number of gallons of agricultural ethyl alcohol sold by the producer to an alcohol blender in calendar year 2000. All new production incentives pursuant to this section for a producer who is in production prior to July 1, 2001, shall be based on such producer's base sales.
- (c) The amounts payable to a producer as provided in subsections (a)(2) and (a)(3) shall be payable for no more than seven years to any one producer.
- (d) The Kansas qualified agricultural ethyl alcohol producer shall file for the production incentive beginning July 1, 2001, and quarterly thereafter, on a form furnished by the department of revenue. The form shall require the producer to file such information as the secretary of revenue may require by rules and regulations, but shall include information relating to the original production records and invoices issued to the alcohol blender at the time of delivery, showing the total number of gallons of agricultural ethyl alcohol sold to the alcohol blender for the previous three months.
- (e) The secretary of revenue may adopt such rules and regulations necessary to administer the provisions of this act, including the development of a procedure for the payment of the production incentive.";

And by renumbering sections accordingly:

Also on page 2, in line 5, after "79-34,161" by inserting ", 79-34,163";

On page 1, in the title, in line 2 after "79-34,161" by inserting ", 79-34,163"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2158** be amended on page 1, in line 11, by striking "sate" and inserting "state"; in line 15, after "thereto" by inserting ", except that the university of Kansas hospital authority shall not be included in such definition for the purposes of sections 1 through 3, and amendments thereto"; in line 28, by striking "shall also be"; in line 29, by striking "to" and inserting "shall"; and the bill be passed as amended.

Committee on Health and Human Services recommends HB 2182 be amended on

page 2, following line 10, by inserting the following:

- "Sec. 2. K.S.A. 2010 Supp. 65-1671 is hereby amended to read as follows: 65-1671. The following criteria shall be used in accepting unused medications for use under the utilization of unused medications act:
- (a) The medications shall have come from a controlled storage unit of a donating entity;
- (b) only medications in their original or pharmacist sealed unit dose packaging or hermetically sealed by the pharmacy in tamper evident packaging, unit of use or sealed, unused injectables shall be accepted and dispensed pursuant to the utilization of unused medications act:
 - (c) expired medications shall not be accepted;
- (d) a medication shall not be accepted or dispensed if the person accepting or dispensing the medication has reason to believe that the medication is adulterated;
 - (e) no controlled substances shall be accepted; and
- (f) subject to the limitation specified in this section, unused medications dispensed for purposes of a medical assistance program or drug product donation program may be accepted and dispensed under the utilization of unused medications act.";

And renumbering sections accordingly;

Also on page 2, in line 11, by striking "is" and inserting "and 65-1671 are";

On page 1, in the title, in line 2, by inserting after "65-1669" the following: "and 65-1671"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended

Committee on **Judiciary** recommends **HCR 5006** be amended on page 1, in line 15, after "redirect" by inserting "an appropriation";

On page 2, in line 3, by striking "and the existing order that directs the"; by striking all in line 4; in line 5, by striking "remain in effect"; in line 12, by striking "April" and inserting "November"; also in line 12, by striking "2011" and inserting "2012"; and the resolution be adopted as amended.

Committee on Transportation recommends HB 2034 be passed.

Committee on **Transportation** recommends **HB 2192** be amended on page 1, following line 5, by inserting:

- "Section 1. K.S.A. 8-1508 is hereby amended to read as follows: 8-1508. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
- (a) Green indication. (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using

the intersection.

- (3) Unless otherwise directed by a pedestrian-control signal, as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady yellow indication. (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway;
- (c) Steady red indication. (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2) and, (3) and (4) of this subsection. Any turn provided for in said paragraphs (2) and, (3) and (4) shall be governed by the applicable provisions of K.S.A. 8-1545, and amendments thereto.
- (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
- (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (4) The driver of a motorcycle or a person riding a bicycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, shall have the right to proceed subject to the rules applicable after making a stop at a stop sign under K.S.A. 8-1528, and amendments thereto.
- (4) (5) Unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing a steady circular red or red

arrow signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.";

And by renumbering sections accordingly;

On page 2, in line 34, after "K.S.A." where it appears for the first time, by inserting "8-1508 and":

On page 1, in the title, in line 1, by striking "concerning motor vehicles; relating to" and inserting "regulating traffic; concerning"; also in line 1, by striking "uniform act"; in line 2, by striking "regulating traffic on highways" and inserting "traffic controlled lights"; also in line 2, after "K.S.A." where it appears for the first time, by inserting "8-1508 and"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 27, by Representative Osterman, congratulating Sidney Reeser on receiving the Girl Scout Gold Award;

Request No. 28, by Representative Osterman, congratulating Nicole Goetz on receiving the Girl Scout Gold Award;

Request No. 29, by Representative Meigs, commending Tyler L. Bienhoff on achieving the rank of Eagle Scout;

Request No. 30, by Representative Meigs, commending Jared T. Shafer on achieving the rank of Eagle Scout:

Request No. 31, by Representative Billinger, congratulating Maracella Dreiling on her100th birthday;

Request No. 32, by Representative Billinger, congratulating Vickey Kraft on her 96th birthday;

Request No. 33, by the House Chamber, recognizing Jordy Nelson, from Leonardville, Kansas, for playing in the Super Bowl XLV 2011 and being the Green Bay Packer's No. 1 Receiver:

Request No. 34, by Representative Hildabrand, congratulating Bertha I. Swanson in honor of her 100th birthday:

Request No. 35, by Representative Pottorff, congratulating Darrel and Sylvia Steinshouer for operating the Ken-Mar Family Drugs for 40 years;

Request No. 36, by Representative Peck, congratulating Herb and Donna Rogers on their 70th wedding anniversary;

Request No. 37, by Representative Vickrey, congratulating Brooke Ritter for winning the 2011 Postcard Art Contest, Kansas Foundation for Agriculture in the Classroom:

Request No. 38, by Representative Suellentrop, congratulating Legacy Bank for achieving the milestone of 125 years of service to your customers and the community;

be approved and the Chief Clerk of the House be directed to order the printing of said

certificates and order drafting of said resolutions.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2360, AN ACT concerning school districts; enacting the Kansas uniform financial accounting and reporting act; amending K.S.A. 2010 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2029, HB 2060 reported correctly engrossed February 17, 2011.

On motion of Rep. Siegfreid the House to adjourned until 11:00 a.m., Monday, February 21, 2011.

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, February 21, 2011, 11:00 a.m.

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

The roll was called with 121 members present. Reps. Calloway, Fund, Kiegerl and K.Wolf were excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father. Today as we remember and celebrate the past leaders of our nation, I pray a prayer of a former President: "...we bow our heads and thank You for Your love. Accept our thanks for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do Your work, willing to heed and hear Your will, and write on our hearts these words: "Use power to help people." For we are given power not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us to remember it, Lord. The Lord our God be with us, as He was with our fathers; may He not leave us or forsake us; so that He may incline our hearts to Him, to walk in all His ways... that all peoples of the earth may know that the Lord is God; there is no other." In Christ's Name, I pray, Amen. (George H. Bush--Inaugural address, January 20, 1989)

The Pledge of Allegiance was led by Rep. Brunk.

Kansas Trivia Question – What World War II pilot took part in tests of the first atomic bomb and was killed during a test flight in 1948?

Answer: Daniel H. Forbes, Jr. Forbes Airport in Topeka is named after him.

INTRODUCTION OF GUESTS

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

Mr. Speaker, Fellow House Colleagues, and Ladies and Gentleman, as we celebrate the 150 years of Kansas Statehood, many stories of early pioneers make up its history. Today I would like to share one of those stories.

Armed with \$10,000 and plenty of ambition, Charles F Hyde gave birth to the dream of Legacy Bank. Then known as "Colwich Bank", Hyde believed that with \$10,000 of capital and the partnership he started with his fellow homesteaders they could begin a successful business in banking...and he was right.

The Colwich Bank opened its doors for business on February 22nd, 1886, a 125 years ago tomorrow. A certificate of organization was filed with Sedgwick County Register of Deeds on the following day.

A two story bank building was erected and completed in 1886 on the northwest corner of Wichita and Colorado streets, built from bricks manufactured in Hyde's Wichita and Colorado Calorific Brick Company. The Colwich Courier labeled the building a "staid solid institution.

As a result of new legislation in 1891 requiring state banks in Kansas to be chartered, the Bank of Colwich was re-chartered as "The State Bank of Colwich" on September 9.

The Suellentrop family, many of whom are here today, began its association with the State Bank of Colwich when Clemens Suellentrop and Adam Spexarth families purchased a major interest in the Bank early in 1911. Clemens Suellentrop, my great grandfather and the gentleman in the middle of the picture on your desk, was cashier and chief executive officer of the bank, and his son, John A Suellentrop, began operating the bank at that time.

On March 8th 1933 – During the Great Depression, President Roosevelt closed all banks in the nation for several days. During that time congress passed an Emergency Banking Act that would allow only banks with an adequate financial structure to reopen. The State Bank of Colwich was one of only three in western Sedgwick County to do so. This success was due to the leadership of Clemens Suellentrop.

John A. Suellentrop, my grandfather, became president January 8, 1937 and served in that capacity until his retirement in 1972. He is the father of former bank presidents John F. Suellentrop and Clem J. Suellentrop, and to Robert C. Suellentrop.

John F. Suellentrop, president of the State Bank of Colwich from 1972 to 1988, began part-time in 1935 and was elected to the board January 20, 1948. Clem J. Suellentrop, my father, also began part time in 1937. Elected to the board in 1948, he served as president from 1988 to 1990.

Today my brother Frank serves as president along with Brothers Mark, Mike and myself serving on the Board of Directors.

As we celebrate our long and rich history throughout this year, I would like to close on this note.

We are witnessing an appalling contraction of the banking industry. Good banks that for decades have been contributing to the economic growth and vitality of their towns, cities, and counties but whose financial condition is being undermined by excessive regulation.

All banks and their services to their customers are hurt by overregulation. The median-sized bank in the United States is forced to comply with 1,700 pages of consumer regulations, not counting hundreds of pages of other regulations governing how banks make loans, to whom, under what conditions, how they set up reserves for the loans, and so forth. That does not include any regulations written pursuant to Dodd-Frank Act.

A few examples of regulatory burdens that we know are making it harder to promote new jobs and economic growth.

Relieve the Demands for ever High Capital Ratios. The banking industry entered the recession well capitalized, and the industry is even better capitalized today.

Stop- Confusing Mortgage Borrowers and Lenders. The pace and poor coordination of rulemakings on mortgage lending are driving up cost, increasing borrower and lender confusion, and ultimately making it harder to provide mortgage loans to qualified borrowers.

Refund Excessive FDIC Premiums. The FDIC gets all of its funding from the banking industry, and the banking industry is committed to keeping FDIC adequately funded. Bank Failures and failure costs in 2010 were far below FDIC estimates, and that trend is continuing into 2011. The FDIC required banks to pay three years of premiums in advance.

Update SEC Registration Threshold.

Provide More Flexibility on Commercial Real Estate (CRE) Lending. Many new businesses, seeking funding for expansion, have little more that their real estate assets to pledge as collateral. But when they do so, bank examiners may define that loan as CRE lending and criticize a bank for making that loan. Bank examiners need to restore and use the flexibility built into the CRE guidance and allow banks to provide CRE loans to good borrowers.

I am requesting that you discuss these issues with your local community bank. Support them by contacting your congressional representatives and urge them to bring attention to this issue.

Thank you for your attention and Happy 125th Birthday. At this times I am happy and proud to present this Proclamation to Legacy Bank, and happy birthday to my oldest son Daniel, who could not be here today.

INTRODUCTION OF GUESTS

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

It is with great pride I introduce the Baldwin City High School Real $\underline{\mathbf{W}}$ orld $\underline{\mathbf{D}}$ esign $\underline{\mathbf{C}}$ hallenge Team and the Governor's Kansas State Champions.

Winning team members are Brandon Baltzell, Sr; Carson Barnes, Sr; Kaitlyn Barnes, Soph; Carrie Dietz, Soph; Mac Halpin, Soph; Mackenzie Johnson, Soph; Austin Kraus, Soph; and the team's coach is Pam Davis. One Mentor is Sandy Barnes of Ottawa; From the KS State Dept of Education is Dr. Sidney Cooley and RJ Dake. Not with us

today from the mentoring team are Mark Beyer, Chris Hedden, and Andrew Hahn. Paul Dorothy is the Superintendent of Schools.

The **Real World Design Challenge** is an annual competition that provides high school students the opportunity to work on real world engineering challenges as a team. Baldwin High School's team has placed first in Kansas three years in a row, beating out 22 other schools to win the state competition this year. This year's challenge was to use aeroelastic tailoring to design the exterior geometry and interior structure of an airliner wing in a manner that maximizes both fuel efficiency and aerodynamic efficiency. This would normally be a senior engineering project.

The team will represent Kansas in the national competition April 15-18 at the Smithsonian Air and Space Museum in Washington, D.C. Last year's Baldwin team won the National title.

Join me in congratulating the team as state champions and wishing them good luck for success in Washington!

INTRODUCTION OF GUESTS

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

Thank you Mr. Speaker. It is my pleasure to introduce to the body these men standing beside me today. Third from my right, our former House colleague and now the Adjutant General of Kansas, General Lee Tafanelli, to his right Captain Aaron Isaacson and Captain Murl Reidel of the Kansas Army National Guard. accompanying two very special men who are sharing their day with us in the Capitol – Colonel Roger Hugh C. Donlon and Colonel Donald E. Ballard. In a few minutes, HB 2003 will be presented to you on General Orders. It renames a stretch of highway in north central Kansas after a World War hero, Captain Donald K. Ross - a Medal of Honor Recipient. Colonel's Donlon, Ballard and Captain Ross share membership in a very elite order known as the Congressional Medal of Honor Society. They are here to honor their friend and to watch as he is memorialized by legislation which we will hear today and vote on tomorrow. The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. It is generally presented to its recipient by the President of the United States of America in the name of Congress. In 1861, a bill was introduced and passed which President Lincoln signed in to law and produced 200 metals. Out of 44 million veterans that have served our great country only 3.485 Medals of Honor Awards have been issued - the first was awarded in 1863 and the last in 2010. Today only 85 recipients are still living. Let me properly introduce you now to these two officers.

Capt. Donlon was serving as the commanding officer of the U.S. Army Special Forces on July 6, 1964 when a reinforced Viet Cong battalion suddenly launched a full-scale, predawn attack on his camp. The battle which lasted more than 5 hours resulted in heavy casualties on both sides. Capt. Donlon directed the defense operations in the midst of an enemy barrage of mortar shells, falling grenades, and extremely heavy gunfire. Upon the initial onslaught, he swiftly marshaled his forces and ordered the removal of the needed ammunition from a blazing building. He then dashed through a hail of small arms and exploding hand grenades to abort a breach of the main gate.

Although exposed to the intense grenade attack, he then succeeded in reaching a 60mm mortar position despite sustaining a severe stomach wound as he was within 5 yards of the gun pit. When he discovered that most of the men in this gun pit were also wounded, he completely disregarded his own injury, directed their withdrawal to a location 30 meters away, and again risked his life by remaining behind. While dragging a fallen soldier out of the gun pit, an enemy mortar exploded and wounded Capt. Donlon's left shoulder. Although suffering from multiple wounds, he carried an abandoned mortar weapon to a new location 30 meters away where he found 3 wounded defenders. After administering first aid and encouragement to these men, he left the weapon with them. Then with great courage and coolness under fire, he returned to the abandoned gun pit with an another rifle, evacuated ammunition for the 2 weapons, and while crawling and dragging the urgently needed ammunition, received a third wound on his leg by an enemy hand grenade. Despite his critical physical condition, he again crawled 175 meters to another mortar position and directed firing operations. He then moved to another mortar position, crawled back to the gun pit and set it up for defensive operations, and turned it over to 2 defenders with minor wounds. He then left this sheltered position, and moved from position to position around the perimeter while hurling hand grenades at the enemy and inspiring his men to superhuman effort. As he bravely continued to move around the perimeter, a mortar shell exploded, wounding him in the face and body. The enemy forces retreated back to the jungle leaving behind 54 of their dead, many weapons, and grenades. Although severely injured, Capt. Donlon immediately reorganized his defenses and administered first aid to the wounded. His actions resulted in the successful defense of the camp. Capt. Donlon's extraordinary heroism, at the risk of his life above and beyond the call of duty are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country. He was awarded his Medal of Honor in Washington, DC on December 5, 1964 by President Johnson. He was promoted to Colonel in 1980 and is retired and living in Leavenworth.

Col. Donald E. Ballard enlisted in the U.S. Navy in 1965. In December 1966 Col. Ballard was selected to serve with the Marines. From the fall of 1967 to the late summer 1968, Col. Ballard served as a frontline Corpsman with Mike Company, Third Battalion, Fourth Marines in Vietnam. As a Grunt corpsman his job was to save the lives of the Marines in combat and to get the Marines home to their loved ones to the best of his ability. On May 16, 1968, his unit was caught in a fierce battle and had loss several Marines. "Doc" Ballard - as he was fondly called - was treating Marines and directing the Marines to move the wounded to a safer location when the enemy began throwing hand grenades and shooting into the small group. An enemy grenade hit "Doc" Ballard in the helmet and landed near him, he quickly threw it back in the direction of the enemy. A short time later, a second grenade landed in the middle of the group of Marines. Colonel Ballard dove on the grenade, however it did not explode. He reached under his stomach grabbed the grenade, rolled over and threw it away from the Marines. The grenade then exploded in the air, no Americans were wounded. He continued at that point to treat and evacuate the Marines. On May 14, 1970, Colonel Donald Ballard received the Congressional Medal of Honor from President Richard Nixon in a White House ceremony. He later joined the Kansas Army National Guard as a second lieutenant Medical Service Corps. He served a very distinguished military career for a total of 35 years as private to colonel. In 1998 he was promoted to the rank of colonel

and retired in 2000. He currently owns a funeral home and cemeteries in Kansas City.

As you all can tell, we are in company of great men. It pleases me to no end that they were fond of Captain Ross from Beverly, Kansas and are taking time to remember him and celebrate his memory with us. Please welcome with me these two heroes – Colonel Roger Hugh C. Donlon and Colonel Donald E. Ballard, Medal of Honor Recipients and our Kansas Army National Guard men.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2361, AN ACT concerning sales taxation; relating to exemptions; civil air patrol; amending K.S.A. 2010 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5020—

By Representatives O'Neal, Siegfreid and Vickrey

A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC).

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

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

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

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

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

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

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

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: HB 2357.

Education: **HCR 5019**. Education Budget: **HB 2360**. Pensions and Benefits: **HB 2356**.

Taxation: HB 2358.

Transportation and Public Safety Budget: HB 2359.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2109** from Committee on Agriculture and Natural Resources and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2259**, **HB 2277**, **HB 2318** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6010-

By Representatives Hoffman and Wetta

A RESOLUTION designating the Anthony 9/11 memorial as the official Kansas 9/11 memorial.

WHEREAS, The 2,300 people of Anthony, Kansas were moved by the tragedy of September 11, 2001, to express both their grief and the resounding spirit of Americans and Kansans following the events of that date; and

WHEREAS, The people of Anthony resolved to express their emotions in the very personal act of adopting, and providing support and comfort to the widow and four children of New York Fire Department firefighter Joe Spor, Jr., who was killed in the collapse of the twin towers; and

WHEREAS, The people of Anthony also adopted Joe Spor's Bronx fire station; and

WHEREAS, The people of Anthony, knowing the loss of a husband, father and friend is not soon relieved or easily borne, committed to providing ongoing comfort and support to the Spor family and the firefighters of the Bronx fire station, and did so through daily communication and purposeful building of a bond of connection and friendship; and

WHEREAS, The people of Anthony chose to further express their emotions and to safeguard the memory of those lost lives and heroes of 9/11, as well as those in uniform today, by erecting a memorial in Anthony; and

WHEREAS, That memorial, built of Kansas limestone and brick, is unique and moving in its incorporation of three steel beams from the remains of the World Trade Center, a block of limestone from the face of the damaged Pentagon building and soil from the Pennsylvania crash site of Flight 93; and

WHEREAS, The memorial located in Anthony is being funded entirely through personal and private giving; and

WHEREAS, The Anthony memorial has attracted national attention and has been visited by individuals from across the United States, and several foreign countries; and

WHEREAS, The Anthony memorial serves as a place of connection between the survivors of the 9/11 tragedy and all those who support them, and a place of connection between all those who have committed to never forgetting the sacrifice of those who

died: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Anthony structure erected in memory of the September 11, 2001 tragedy is hereby designated as the official Kansas 9/11 memorial.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide enrolled copies of this resolution to Representatives Hoffman and Wetta.

CONSENT CALENDAR

No objection was made to **HB 2152, HB 2227** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2267** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2118, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 21-4603d and 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Winn.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2132, AN ACT relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins,

Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Peck, Smith.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I am a veteran of the United States Navy and deeply appreciate those who have served their country honorably. I understand the pain of losing a child, as I have lost a daughter to murder. I do not wish that anguish on anyone. The tradition of the Gold Star is a tribute to those who lose their lives in combat. This bill proposes that a gold star license plate can be obtained by family members of a veteran who has died under any situation. The ultimate sacrifice is to give one's life in service of your country in combat. I cannot support **HB 2132.**—GREG SMITH

HB 2172, AN ACT concerning motor vehicle registrations; relating to proof of financial security; amending K.S.A. 2010 Supp. 8-173 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 21; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Dillmore, Goico, Gordon, Gregory, Grosserode, Hermanson, Hildabrand, Huebert, Kelley, Kinzer, Landwehr, Lane, Mast, McLeland, Meigs, Montgomery, Patton, Suellentrop, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

HB 2175, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

HB 2205, AN ACT concerning weights and measures; relating to measuring devices; amending K.S.A. 2010 Supp. 83-202 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

HB 2230, AN ACT repealing K.S.A. 68-1038; relating to the Frontier Military scenic byway, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Gregory.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Peck in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2003**, **HB 2006** be passed.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends **HB 2329** be amended on page 4, in line 3, after "to" by inserting ", on";

On page 6, in line 19, after "to" by inserting ", on";

On page 9, in line 22, after "to" by inserting ", on";

On page 12, in line 36, after "to" by inserting ", on";

On page 20, in line 9, after "to" by inserting ", on"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2251** be amended on page 2, in line 4, after "act" by inserting "unless (A) the pupil has a parent or guardian that is an employee of the school district where the pupil is enrolled; (B) the pupil has a parent or guardian who owns real property in Kansas which is contiguous to the pupil's residence; or (C) the pupil attended public school in Kansas during the 2010-2011 school year"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HCR 5009** (Corrected) be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2107** be amended on page 6, in line 4, by striking "This subsection shall not apply to any sexually oriented"; in line 5, by striking "business lawfully established prior to the effective date of this act."; in line 8, by striking "portion" and inserting "property line"; in line 9, by striking "portion" and inserting "property line";

On page 7, by striking all in lines 23 through 25;

On page 8, in line 7, by striking "stricter than but not inconsistent" and inserting "not in conflict":

On page 9, in line 5, by striking "or"; following line 5 by inserting "(k) habitual violations of sections 1 through 11, and amendments thereto; or"; in line 6, by striking the "(k)" and inserting "(l)"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2218** be amended on page 4, in line 10, after "performed" by inserting "or induced"; in line 12, after "performed" by inserting "or induces"; in line 22, after "performs" by inserting "or induces"; in line 22, after "performs" by inserting "or induces"; in line 29, after "performed" by inserting "or induced"; in line 32, after "performed" by inserting "or induced"; in line 33, after "performs" by inserting "or induces";

On page 5, in line 24, after "performed" by inserting "or induced"; in line 29, after "performed" by inserting "or induced";

On page 6, in line 18, by striking "2" and inserting "3"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2241** be amended on page 1, in line 8, by striking "The term "proprietor" as used in this act includes" and inserting "As used in this act: (1) "Proprietor" means"; after line 11, by inserting "(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation.":

Also on page 1, in line 24, after "license" by inserting "limited,";

On page 3, in line 33, by striking "proprietor"; in line 34, by striking all before the semicolon and inserting "dental franchisor";

On page 4, in line 31, after "of", where it appears for the first time, by inserting "K.S.A. 21-3406, prior to its repeal, or"; in line 35, after "of", where it appears for the first time, by inserting "K.S.A. 21-3406, prior to its repeal, or";

On page 7, after line 23, by inserting "(e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2031** be amended on page 1, in line 10, by striking "judicial district" and inserting "county"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2042** be amended on page 1, in line 18, by striking "evidence collection form evidence" and inserting "Kansas standard offense report the presence"; following line 25, by inserting:

- "(d) The Kansas bureau of investigation shall:
- (1) Make the necessary changes to the Kansas standard offense report and the

Kansas incident based reporting system handbook; and

- (2) shall promulgate rules and regulations concerning the training for law enforcement agencies to implement the provisions of this section.
- (e) Nothing in this section shall be construed to expand the scope of the officers search."; and the bill be passed as amended.

Committee on Local Government recommends HB 2066 be passed.

Committee on **Local Government** recommends **HB 2119** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 14 and inserting:

"Section 1. (a) As used in this section:

- (1) "Municipality" means a city, county, township, fire district or any other political and taxing subdivisions in this state.
- (2) "Accident response service fee" means any fee imposed on the driver or owner of a motor vehicle, an insurance company or any other person, for the response to or investigation of a motor vehicle accident, but does not include the usual and customary charges for providing ambulance and emergency services when immediate action is required to save life, prevent suffering or disability or to protect and save property.
- (3) "Emergency services" includes the police, fire and emergency medical service personnel and equipment deemed appropriate by the municipality to address reasonably anticipated needs including, but not limited to, unknown number of injured persons and possible environmental and health threats.
- (b) No municipality shall charge an accident response fee to persons receiving emergency services inside or outside of such municipality, except for actual costs of a motor vehicle accident involving hazardous materials or requiring extraordinary emergency services.";

Also, on page 2, in line 15, by striking "3." and inserting "2.";

On page 1, in the title, in line 1, by striking "emergency medical services; relating to"; in line 2, by striking all after "fees"; in line 3, by striking "existing section"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2294** be amended on page 1, in line 9, by striking "The"; and by striking all of line 10; following line 10, by inserting:

"New Sec. 2. Except as provided in this section, no land shall be annexed pursuant to paragraphs (1), (4), (5) and (6) of subsection (a) of K.S.A. 12-520, and amendments thereto, if the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will have an adverse effect on such county. The board of county commissioners shall deliver a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.";

And by renumbering sections accordingly;

On page 6, in line 39, after "election" by inserting ", unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto"; in line 40, by striking "(1)";

On page 7, by striking all in lines 6 through 8;

On page 10, in line 35, by striking "The provisions of this section shall be"; by striking all in line 36; and the bill be passed as amended.

Committee on Taxation recommends HB 2331 be amended on page 1, in line 27,

after "(1)" by inserting "Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, 2016, and";

On page 2, in line 9, after the semicolon, by inserting "or"; in line 12, by striking "; or"; by striking all in line 13; in line 14, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2118, HB 2132 reported correctly engrossed February 18, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Tuesday, February 22, 2011.

Journal of the House

TWENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, February 22, 2011, 11:00 a.m.

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

The roll was called with 122 members present. Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

Prayer by Chaplain Brubaker:

Dear Father God,
Today I ask that your presence permeate this chamber and pervade the hearts of these who seek Your will.
These are long days with difficult issues to tackle.
Empower our Legislators with the wisdom and tenacity needed to solve these sensitive and painful issues facing our state.
Give them strength to endure the long hours of labor.
Give them a positive sense of accomplishment.
Be with their families as they sometimes bear the brunt of these long, excruciatingly stressful days.
Encourage their hearts and help them as they support their wife, husband, father, or mother.
These things I ask in Your Son's Name,

The Pledge of Allegiance was led by Rep. Wetta.

Kansas Trivia Question – In 1911 Ella Wilson, mayor of Hunnewell, caused a stir by nominating Rosie Osbourn as chief of police. The conflict was finally settled when what entity fined the men on the city council for "having made life miserable" for the mayor?

Answer: The Kansas Supreme Court

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Economic Development: HR 6010.

Federal and State Affairs: HCR 5020.

Taxation: HB 2361.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2292**, **HB 2293**, **HB 2307** from Committee on Insurance and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Kansas Department of Health and Environment, in accordance with K.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditures/Income Report for the January 2011 reporting period.

From Kansas Parole Board, Annual Report, Fiscal Year 2010.

From Sandy Praeger, Commissioner of Insurance, pursuant to K.S.A. 40-108, 2010 Annual Report of the Kansas Insurance Department.

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

CONSENT CALENDAR

Objection was made to **HB 2152** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HCR 5009** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2227** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2267** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2267, AN ACT concerning utilities; relating to electric supply and demand reports, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, K. Wolf.

The bill passed.

HB 2003, AN ACT designating a part of K-18 highway as the Medal of Honor recipient Donald K. Ross memorial highway, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, K. Wolf.

The bill passed.

HB 2006, AN ACT concerning public postsecondary education; concerning residents for purposes of tuition and other fees; amending K.S.A. 2010 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2010 Supp. 76-731a, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 50; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, K. Wolf.

The bill passed.

EXPLANATIONS OF VOTE

Mr. Speaker: I vote yes on **HB 2006** because it affirms and advances the core principles of the rule of law and fundamental fairness on which our society is founded. Rule of law, because it ends the practice of rewarding with taxpayer funded or subsidized benefits the families of those who violate our nation's immigration laws to come to Kansas. Fundamental fairness, because common sense tells us it's just plain wrong to grant taxpayer-funded benefits to the families of illegal immigrants that are not available to non-resident united states citizens or legal immigrants who played by the rules to get here.--John Rubin, Lana Gordon, Joe McLeland

Mr. Speaker: I vote <u>for</u> hope over fear, <u>for</u> enhancing opportunity versus stifling potential, <u>for</u> hospitality over hostility. Political pressure is heavy but life is too short not to vote for what I believe is right. I vote for economic vitality and maintaining current constructive policy. I vote <u>No</u> on **HB 2006.**—Don Hill, Charles Roth, Tom Moxley, Tom Sloan, Don Hineman, Barbara Bollier, Ann Mah

Mr. Speaker: **HB 2006** has been portrayed as an assertion of the rule-of-law and a step to stop illegal immigration. It is neither. The U.S. Supreme Court mandated that all children get a K-12 education. This bill will stop Kansas high school graduates from going with their classmates to college. This bill will destroy lives! I will not vote for a bill that will abort the dream of life for any child! I vote NO on **HB 2006**.—MARIO GOICO

Mr. Speaker: This vote is about the rule of law and fundamental fairness. When we require United States citizens from other states pay a higher tuition rate than students who are present in our country illegally, we are rewarding those who break our laws while punishing law-abiding students from other states.

I vote yes on **HB 2006** because college is about life lessons and students should not learn that those who break the law will be rewarded.—TerriLois Gregory, Caryn Tyson, Benny L. Bowman, Joseph Scapa, Steve Huebert, Dan Collins

Mr. Speaker: I vote for hope over fear, for enhancing opportunity versus stifling potential, for hospitality over hostility. Political pressure is heavy but life is too short not to vote for what I believe is right. I vote for economic vitality and maintaining current constructive policy and against **HB 2006**.—Sheryl Spalding

Mr. Speaker: **HB 2006** is telling hard-working immigrant students, future citizens of this country and of Kansas, that their contributions don't matter. Though Federal Law requires that we educate all students this bill tells the students and those who teach them that their impressive accomplishments are halted. This vote tells the Kansas Board of Regents that, in an impossibly difficult budget year, a policy that brings them talented, tuition-paying students, whose families live and pay taxes in Kansas, will fall victim to the heated politics over federal immigration policy failures. I vote no on **HB 2006**.—SYDNEY CARLIN, MELDOY McCRAY-MILLER

MR. SPEAKER: The text of Micah 6:8 compels that I vote no on **HB 2006**. Political pressure is heavy but life is too short not to vote for what I believe is right. As I looked over the list of opponents who gave testimony to the committee hearing this bill, I was reassured in voting my conscience. I vote for maintaining current Kansas policy, not harmful to anyone, and truly helpful to students graduating from Kansas high schools. — Bob Brookens

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that committee report recommending a substitute bill to **HB 2004** be adopted; also, on motion of Rep. Flaharty to amend, the motion did not prevail and the substitute bill be passed.

On motion of Rep. Schwab to refer **HB 2169** to Committee on Appropriations, the motion did not prevail, and the bill be passed.

Committee report to **HB 2027** be adopted; also, on motion of Rep. Brookens be amended on page 1, after line 28, by inserting "(ii) not overruled by a court or later adjudication; and

(iii) disseminated to the public in one of the following ways:";

Also on page 1, in line 29, by striking "(ii) listed" and inserting "(a) Inclusion"; in line 32, by striking "(iii) published" and inserting "(b) publication"; in line 33, after "terms;" by inserting "or";

On page 2, in line 1, by striking "(iv)" and inserting "(c) being"; in line 2, by striking "; and"; by striking all in line 3, all before the period.";

Also, on motion of Rep. Rep. C. Holmes, **HB 2027** be amended on page 11, after line 3, by inserting "(f) Any agency that issues a guidance document shall provide a copy of such guidance document to the joint committee on administrative rules and regulations.";

Also, on motion of Rep. Otto to amend, the motion did not prevail; and **HB 2027** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on Aging and Long Term Care recommends HB 2147 be passed.

Committee on **Agriculture and Natural Resources** recommends **HB 2282** be amended on page 1, following line 6, by inserting "New Section 1. There is hereby created the lodging fee fund. The secretary shall remit all license fees received by the secretary under the provisions of K.S.A. 36-502, and amendments thereto, and all license renewal fees for lodging establishments under K.S.A. 36-505, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the lodging fee fund. All expenditures from the lodging fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person designated by the secretary. This section shall be a part of and supplemental to the food service and lodging act.";

And renumbering sections accordingly;

On page 2, in line 5, by striking "facility" and inserting "establishment"; and the bill be passed as amended.

Committee on Children and Families recommends HB 2105 be passed.

Committee on Commerce and Economic Development recommends HB 2135 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2135," as follows:

"Substitute for HOUSE BILL NO. 2135

By Committee on Commerce and Economic Development

"AN ACT concerning certain employees; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 44-703, 44-766 and 79-3234 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2135 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends HB 2197 be amended on page 2, after line 1, by inserting: "Sec. 3. Nothing in this act shall be construed as creating a cause of action on behalf of any person against the state, a county, a municipality or any of their agencies, instrumentalities or employees.";

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

Committee on Corrections and Juvenile Justice recommends HB 2319 be amended on page 1, following line 5, by inserting:

- "Section 1. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:
 - (1) Release the person without imposition of sentence;
- (2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); ΘF
- (3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation: or
- (4) impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.
- (c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the

judge finds that the person is indigent, the fee may be waived.

- (d) If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.
- (e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:
- (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
- (2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
 - (3) report to the probation officer as directed;
 - (4) permit the probation officer to visit the defendant at home or elsewhere;
 - (5) work faithfully at suitable employment insofar as possible;
 - (6) remain within the state unless the court grants permission to leave;
- (7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court;
 - (8) support the defendant's dependents;
- (9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;
- (10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;
- (11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;
- (12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court: or
- (13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.
- (f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.";

And by renumbering sections accordingly;

Also on page 1, in line 17, by striking "or"; in line 19, following "thereto;" by inserting "or

(D) an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid;";

On page 2, in line 18, following "(g)" by inserting "(1)"; in line 19, by striking "(1)" and inserting "(A)"; in line 20 by striking "(2)" and inserting "(B)"; in line 21, by striking "(3)" and inserting "(C)"; in line 22, by striking "(4)" and inserting "(D)"; in line 23 by striking "(5)" and inserting "(E)"; in line 24 by striking "(6)" and inserting "(F)"; after line 25, by inserting: "(2) Radio frequency devices shall only be used if there is no available means of global positioning system technology in such location at such time."; in line 26, following "secretary" by inserting "or the court";

On page 5, in line 1, by striking "shall" and inserting "may";

On page 9, in line 28, before "Sections" by inserting K.S.A. 2010 Supp. 12-4509 and 21-4704 and";

On page 1, in the title, in line 2, before "sections" by inserting "K.S.A. 2010 Supp. 12-4509 and"; in line 3, before the period by inserting "; also repealing K.S.A. 2010 Supp. 21-4704"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2191** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2191," as follows:

"Substitute for HOUSE BILL NO. 2191

By Committee on Education

"AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2191 was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2201** be amended on page 1, in line 9, by striking all after "and"; in line 10, by striking "provided by paragraph (3) of subsection (c),"; in line 16, by striking all after "(c)(1)"; by striking all in lines 17 through 35;

On page 2, by striking all in lines 1 through 3; in line 4, by striking "paragraph (3), such" and by inserting "Such"; in line 6, after "thereon." by inserting "The resolution submitted to the qualified electors of the school district shall specify the maximum local activities budget, which shall not exceed 5% of the local activities budget computation factor for the district for the current school year."; by striking all in lines 26 through 29; following line 29, by inserting: "(2) The authority to adopt a local activities budget granted by the resolution to a school district shall expire five years from the date of the election in which the resolution was approved by the majority of the qualified electors of the school district voting on the question at the election thereon. Upon expiration, no school district shall levy a tax under subsection (g) of this section unless a new resolution has been approved at an election in accordance with subsection (c) of this section.":

On page 3, in line 38, by striking "statute book" and inserting "Kansas Register"; And the bill be passed as amended.

Committee on **Education** recommends **HB 2269** be amended on page 4, in line 20, by striking "79-998" and inserting "72-998"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2075**, **HB 2076**, **HB 2077** be passed. Committee on **Insurance** recommends **HB 2139** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 40-955 is hereby amended to read as follows: 40-955. (a) Every insurer shall file with the commissioner, except as to inland marine risks where general custom of the industry is not to use manual rates or rating plans, every

manual of classifications, rules and rates, every rating plan, policy form and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the proposed effective date and the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filings. A filing and any supporting information shall be open to public inspection after it is filed with the commissioner. An insurer may satisfy its obligations to make such filings by authorizing the commissioner to accept on its behalf the filings made by a licensed rating organization or another insurer. Nothing contained in this act shall be construed to require any insurer to become a member or subscriber of any rating organization.

- (b) Certificate of insurance forms must be filed with the commissioner of insurance and approved prior to use. Notwithstanding the "large risk" filing exemption in subsection (j), a certificate of insurance cannot be used to modify, alter or amend the insurance policy it describes. The certificate of insurance shall contain the following or similar language: The certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies listed thereon. An industry standard setting organization may be authorized by the commissioner of insurance to file certificate of insurance forms on behalf of authorized insurers.
- (c) Any rate filing for the basic coverage required by K.S.A. 40-3401 et seq., and amendments thereto, loss costs filings for workers compensation, and rates for assigned risk plans established by article 21 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations established by the commissioner shall require approval by the commissioner before its use by the insurer in this state. As soon as reasonably possible after such filing has been made, the commissioner shall in writing approve or disapprove the same, except that any filing shall be deemed approved unless disapproved within 30 days of receipt of the filing.
- (d) Any other rate filing, except personal lines filings, shall become effective on filing or any prospective date selected by the insurer, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fails to meet the requirements of this act. Subject to the provisions of K.S.A. 40-954, and amendments thereto, an insurer may file up to four workers compensation loss cost multipliers and up to four policy holder dividend plans within a single insurer. Eligibility for individual loss cost multipliers and dividend plans shall be based on insurer underwriting criteria and judgment. Personal lines rate filings shall be on file for a waiting period of 30 days before becoming effective, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fail to meet requirements of this act. The "personal lines" shall mean insurance for noncommercial automobile, homeowners, dwelling fire-and-renters insurance policies, as defined by the commissioner by rules and regulations. A filing complies with this act unless it is disapproved by the commissioner within the waiting period or pursuant to subsection
- (e) In reviewing any rate filing the commissioner may require the insurer or rating organization to provide, at the insurer's or rating organization's expense, all information necessary to evaluate the reasonableness of the filing, to include payment of the cost of an actuary selected by the commissioner to review any rate filing, if the department of insurance does not have a staff actuary in its employ.

- (f) (1) (A) If a filing is not accompanied by the information required by this act, the commissioner shall promptly inform the company or organization making the filing. The filing shall be deemed to be complete when the required information is received by the commissioner or the company or organization certifies to the commissioner the information requested is not maintained by the company or organization and cannot be obtained.
- (B) If the commissioner finds a filing does not meet the requirements of this act, the commissioner shall send to the insurer or rating organization that made the filing, written notice of disapproval of the filing, specifying in what respects the filing fails to comply and stating the filing shall not become effective.
- (C) If at any time after a filing becomes effective, the commissioner finds a filing does not comply with this act, the commissioner shall after a hearing held on not less than 10 days' written notice to every insurer and rating organization that made the filing issue an order specifying in what respects the filing failed to comply with the act, and stating when, within a reasonable period thereafter, the filing shall be no longer effective. Copies of the order shall be sent to such insurer or rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.
- (2) (A) In the event an insurer or organization has no legally effective rate because of an order disapproving rates, the commissioner shall specify an interim rate at the time the order is issued. The interim rate may be modified by the commissioner on the commissioner's own motion or upon motion of an insurer or organization.
- (B) The interim rate or any modification thereof shall take effect prospectively in contracts of insurance written or renewed 15 days after the commissioner's decision setting interim rates.
- (C) When the rates are finally determined, the commissioner shall order any overcharge in the interim rates to be distributed appropriately, except refunds to policyholders the commissioner determines are de minimis may not be required.
- (3) (A) Any person or organization aggrieved with respect to any filing that is in effect may make written application to the commissioner for a hearing thereon, except that the insurer or rating organization that made the filing may not proceed under this subsection. The application shall specify the grounds to be relied on by the applicant.
- (B) If the commissioner finds the application is made in good faith, that the applicant would be so aggrieved if the applicant's grounds are established, and that such grounds otherwise justify holding such a hearing, the commissioner shall, within 30 days after receipt of the application, hold a hearing on not less than 10 days' written notice to the applicant and every insurer and rating organization that made such filing.
- (C) Every rating organization receiving a notice of hearing or copy of an order under this section, shall promptly notify all its members or subscribers affected by the hearing or order. Notice to a rating organization of a hearing or order shall be deemed notice to its members or subscribers.
- (g) No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.
- (1) On an application for personal motor vehicle insurance where the applicant has applied for collision or comprehensive coverage, the applicant shall be allowed to identify a lienholder listed on the certificate of title for the motor vehicle described in the application.

- (2) On an application for property insurance on real property, the applicant shall be allowed to identify a mortgagee listed on a mortgage for the real property described in the application.
- (h) The commissioner may adopt rules and regulations to allow suspension or modification of the requirement of filing and approval of rates as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used.
- (i) Except for workers compensation and employer's liability line, the following categories of commercial lines risks are considered special risks which are exempt from the filing requirements in this section: (1) Risks that are written on an excess or umbrella basis; (2) commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including "a" rates; (3) large risks; and (4) special risks designated by the commissioner, including but not limited to risks insured under highly protected risks rating plans, commercial aviation, credit insurance, boiler and machinery, inland marine, fidelity, surety and guarantee bond insurance risks.
- (j) For the purposes of this subsection, "large risk" means: (1) An insured that has total insured property values of \$5,000,000 or more; (2) an insured that has total annual gross revenues of \$10,000,000 or more; or (3) an insured that has in the preceding calendar year a total paid premium of \$50,000 or more for property insurance, \$50,000 or more for general liability insurance, or \$100,000 or more for multiple lines policies.
- (k) The exemption for any large risk contained in subsection (h) shall not apply to workers compensation and employer's liability insurance, insurance purchasing groups, and the basic coverage required by K.S.A. 40-3401 et seq., and amendments thereto.
- (l) Underwriting files, premium, loss and expense statistics, financial and other records pertaining to special risks written by any insurer shall be maintained by the insurer and shall be subject to examination by the commissioner.";

And by renumbering sections accordingly;

On page 3, in line 11, by striking "is " and inserting "and K.S.A. 2010 Supp. 40-955 are":

On page 1, in the title, in line 2, after "40-2109" by inserting "and K.S.A. 2010 Supp. 40-955"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on Judiciary recommends HB 2196 be passed.

Transportation and Public Safety Budget Committee recommends **HB 2173** be amended on page 1, in line 5, after "1." by inserting " (a)"; in line 6, by striking "fix," and inserting "negotiate and enter into contracts, and"; in line 10, by striking "all or part of"; in line 12, after "patrol." by inserting "The Kansas highway patrol shall determine the amount of traffic patrol services and security necessary at events held by private entities and shall set fees accordingly."; by striking all in lines 14 through 17; and inserting " (b) The Kansas highway patrol shall only fix, charge and collect fees pursuant to this section when, in the opinion of the superintendent, the expenses incurred to the highway patrol for providing such security and traffic patrol services will exceed \$20,000.

(c) There is hereby created the highway patrol private security fund. All moneys deposited into the highway patrol private security fund shall be used only for the purpose of providing for security to private entities pursuant to this section. All expenditures from the highway patrol private security fund shall be made in accordance

with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent or the designee of the superintendent. All moneys received by the superintendent for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol private security fund.", and the bill be passed as amended.

Committee on Veterans, Military and Homeland Security recommends HCR 5016 be amended on page 1, in line 15, by striking "in these surrounding areas"; in line 18, after "benefits" by inserting "and compensation"; in line 23, after "Vietnam" by inserting "era"; also in line 23, by striking "areas surrounding Vietnam itself" and inserting "support of the Vietnam War"; in line 24, after "benefits" by inserting "and compensation";

On page 1, in the title, in line 2, after "benefits" by inserting "and compensation"; in line 3, after "Vietnam" by inserting "era"; and the resolution be adopted as amended.

On motion of Rep. Siegfreid, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2157**, **HB 2010**, **HB 2184**, **HB 2249**, **HB 2151** be passed.

Committee report to **HB 2124** be adopted; and the bill be passed as a amended.

Committee report to **HB 2104** be adopted; and the bill be passed as a amended.

Committee report to **HB 2141** be adopted: and the bill be passed as a amended.

Committee report to **HB 2044** be adopted; and the bill be passed as a amended.

Committee report to **HB 2158** be adopted; and the bill be passed as a amended.

Committee report to **HB 2182** be adopted; and the bill be passed as a amended.

Committee report to **HB 2192** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 10, by striking all after "rules"; in line 11, by striking all before the period and inserting " stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection";

On motion of Rep. Wetta to amend **HB 2192**, the motion did not prevail. Also, on motion of Rep. Donohoe to amend, the motion did not prevail. Also, on motion of Rep. Dillmore to amend, the motion did not prevail; and the bill be pased as amended.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends HB 2188 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2188," as follows:

"Substitute for HOUSE BILL NO. 2188

By Committee on Corrections and Juvenile Justice

"AN ACT concerning legislative bills; relating to fiscal notes and resolutions; amending K.S.A. 75-3715a and repealing the existing section."; and the substitute bill be passed. (Sub. HB 2188 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2069** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2069," as follows:

"Substitute for HOUSE BILL NO. 2069

By Committee on Judiciary

"AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers or health care administrators not admissible as evidence of an admission of liability or as evidence of an admission against interest."; and the substitute bill be passed.

(Sub. HB 2069 was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2101** be amended on page 1, in line 23, by striking "30" and inserting "60"; in line 25, by striking "30-day" and inserting "60-day"; in line 29, by striking "30" and inserting "60";

On page 2, in line 3, by striking "30-day" and inserting "60-day"; in line 11, by striking all following "(e)"; by striking all in lines 12 through 19 and inserting "Any person appointed shall be a person of recognized integrity, character, ability, experience and judicial temperament, to the end that persons serving as judges of the court of appeals will be the best qualified therefor.";

On page 3, in line 5, by striking all following "(a) "; in line 6, by striking "June 30, 2011,"; in line 25, by striking "holding office on June 30, 2011"; following line 38, by inserting:

"Sec. 4. K.S.A. 20-3010 is hereby amended to read as follows: 20-3010. (a) Any person appointed to the office of judge of the court of appeals pursuant to K.S.A. 20-3009 shall commence upon the duties of his or her office on the date such appointment takes effect, and any person so appointed shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. Any such judge who is so appointed to fill a vacancy or appointed by reason of the expiration of a term of office, shall serve until the second Monday in January following the next general election which occurs after one year in office and shall be eligible to succeed himself or herself be retained in office for a full term of four (4) years as provided in K.S.A. 20-3006, and amendments thereto, for the retention of judges first appointed to the court of appeals.

(b) If a majority of the votes cast and counted at such election is in favor of retaining such judge in office, he or she the judge shall remain in office for a regular term of four years from the second Monday in January next following such election. Thereafter, such judge shall be subject to retention in office as provided in K.S.A. 20-3006, and amendments thereto. If a majority of the votes cast and counted at such election is against retaining such judge in office, such judge's position on the court of

appeals shall become vacant on the second Monday in January next following the election, and a successor shall be appointed pursuant to K.S.A. 20-3007, 20-3008 and 20-3009 section 1, and amendments thereto. If such judge does not declare his or her such judge's candidacy for election to succeed himself or herself be retained in office, such judge's position on the court of appeals shall be vacant on the second Monday in January next following such election.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, following the first "and" by inserting "20-3010"; in line 4 by striking the fourth comma and inserting "and"; also in line 4, by striking "and 20-3010"; and the bill be passed as amended.

Social Services Budget Committee recommends **HB 2258** be amended on page 2, in line 4, by striking all after the comma; in line 5, by striking all before the period and by inserting "except that any exercise of these rights shall be without degradation, use or damage to the surface or any improvements thereto in any manner";

Also on page 2, in line 6, by striking "(c)" and by inserting "(d)"; in line 7, after "K.S.A." by inserting "2010 Supp."; also in line 7, by striking "76-6611" and inserting "75-6611"; in line 9, by striking "(d)" and inserting "(e)"; and the bill be passed as amended

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2362, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2012, June 30, 2013, and June 30, 2014, for the department of aging and the department of social and rehabilitation services; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

On motion of Rep. Siegfreid, the House recessed until 3:45 p.m.

LATE AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Elections** recommends **HB 2067** be amended on page 4, in line 25, by striking all after "(d)" by striking all in line 26; in line 27, by striking "name and address on the registration book, the"; and inserting "A"; in line 28, following "thereto" by inserting ". if:

- (1) The voter is unable or refuses to provide current and valid identification; or
- (2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book";

On page 5, in line 4, by striking "mail in" and inserting "provide";

On page 8, in line 33, after "or" by inserting "a concealed carry of handgun or weapon license issued"; in line 33, by striking "weapon" and inserting "handgun"; in line 37, by striking "a" where it appears in for the second time; in line 38, by striking "public" and inserting "an accredited"; in line 38, after "institution" by inserting "of education"; in line 40, by striking "; and" and inserting a period; and by striking all of the lines 41 through 43;

On page 9, by striking all in line 1; by striking all in lines 28 through 43;

On page 10, by striking all in lines 1 through 9;

On page 11, in line 33, by striking "not transmit an"; and inserting "transmit a provisional";

On page 13, following line 41, by inserting "Sec. 7. K.S.A. 25-2203 is hereby amended as follows: 25-2203. (a) There is hereby established the state election board, the members of which shall be the lieutenant governor, the secretary of state and the attorney general. The state election board shall meet on the call of the secretary of state.

- (b) The state election board shall:
- (1) Adopt rules and regulations for determination of apportionment of election expenses among the subdivisions of government. Such rules and regulations shall identify and define the election expenses which are direct and those which are indirect, or shall define sufficient means of making determination thereof.
- (2) assess information provided by any applicant for voter registration as evidence of citizenship pursuant to K.S.A. 25-2309(m), and amendments thereto; and
- (3) The state election board shall make such additional rules and regulations as it deems advisable relating to payment of election expenses.";

On page 14, in line 5, after "the" by inserting "national"; in line 5, by striking "application prescribed by" and inserting "form"; in line 6, before "federal" by inserting "issued pursuant to";

On page 17, by striking all in line 20; in line 21, by striking "satisfactory evidence of United States citizenship" and inserting "accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship"; in line 23, by striking "(6)" and inserting "(13)"; in line 33, by striking all before "by" and inserting "issued";

On page 18, in line 11, by striking "or";

In line 13, by striking the period and by inserting ";

- (7) the applicant's consular report of birth abroad of a citizen of the United States of America;
- (8) the applicant's certificate of citizenship issued by the United States citizenship and immigration services;
- (9) the applicant's certification of report of birth issued by the United States department of state;
- (10) the applicant's American Indian card, with KIC classification, issued by the United States department of homeland security;
- (11) the applicant's final adoption decree showing the applicant's name and United States birthplace;
- (12) the applicant's official United States military record of service showing the applicant's place of birth in the United States; or
 - (13) an extract from a United States hospital record of birth created at the time of

the applicant's birth indicating the applicant's place of birth in the United States.

- (m) If an applicant is a United States citizen but does not have any of the documentation listed in this section as satisfactory evidence of United States citizenship, such applicant may submit any evidence that such applicant believes demonstrates the applicant's United States citizenship.
- (1) Any applicant seeking an assessment of evidence under this subsection may directly contact the elections division of the secretary of state by submitting a voter registration application or form as described by this section and any supporting evidence of United States citizenship. Upon receipt of this information, the secretary of state shall notify the state election board, as established under K.S.A. 25-2203, and amendments thereto, that such application is pending.
- (2) The state election board shall give the applicant an opportunity for a hearing and an opportunity to present any additional evidence to the state election board. Notice of such hearing shall be given to the applicant at least five days prior to the hearing date. An applicant shall have the opportunity to be represented by counsel at such hearing.
- (3) The state election board shall assess the evidence provided by the applicant to determine whether the applicant has provided satisfactory evidence of United States citizenship. A decision of the state election board shall be determined by a majority vote of the election board.
- (4) If an applicant submits an application and any supporting evidence prior to the close of registration for an election cycle, a determination by the state election board shall be issued at least five days before such election date.
- (5) If the state election board finds that the evidence presented by such applicant constitutes satisfactory evidence of United States citizenship, such applicant will have met the requirements under this section to provide satisfactory evidence of United States citizenship.
- (6) If the state election board finds that the evidence presented by an applicant does not constitute satisfactory evidence of United States citizenship, such applicant shall have the right to appeal such determination by the state election board by instituting an action under 8 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the state election board shall be reversed if the applicant obtains a declaratory judgment pursuant to 8 U.S.C. § 1503, demonstrating that such applicant is a national of the United States.";

And by redesignating the remaining subsections accordingly.

Also on page 18, following line 31, by inserting "(s) Nothing in this section shall prohibit an applicant from providing, or the secretary of state or county election officer from obtaining satisfactory evidence of United States citizenship, as described in subsection (1), at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility can be adequately assessed by the secretary of state or county election officer as required by this section.";

Also on page 18, following line 31, by inserting:

"Sec. 9. K.S.A. 25-2352 is hereby amended to read as follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's license application and nondriver identification card application (including any renewal application) submitted to a division of motor vehicles office in Kansas shall serve as an application for voter registration unless the applicant fails to sign the voter registration application. An

individual who completes the application for voter registration and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.

- (2) An application for voter registration submitted under subsection (a)(1) shall be considered as updating any previous voter registration by the applicant.
 - (b) The voter registration section of the application:
- (1) May require a second signature or other information that duplicates, or is in addition to, information in the driver's license or nondriver's identification card section of the application to prevent duplicate voter registrations, and to enable Kansas election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (2) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury;
- (3) shall include a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes:
- (4) shall include a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;
- (5) shall be made available by the division of vehicles (as submitted by the applicant, or in machine-readable or other format) to the secretary of state and county election officers, as provided by rules and regulations adopted by the secretary of state; and
- (6) shall be transmitted to the county election officer not later than five days after the date of acceptance.
- (c) The motor vehicle driver's license and nondriver identification card form used for change of residence address shall also serve as a notification of change of residence address for voter registration for elections, unless the registrant states on the form that the change is not for voter registration purposes.
- (d) The voter registration portion of the motor vehicle driver's license and nondriver identification card applications and change of address forms used shall be subject to approval by the secretary of state for purposes of voter registration under this section.
- (e) Following the line fixed for the signature of the applicant on the application for voter registration, a statement shall be printed stating that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison.
- (f) The department of revenue or an employee of the department of revenue acting within the scope of the employee's employment shall not be liable for any damages resulting from any claim based on the department of revenue's transfer of any motor vehicle record information to the secretary of state that is required or permitted by law.
- (f)(g) The secretary of state is hereby authorized to adopt such rules and regulations in the manner prescribed by law as may be necessary for the administration of the provisions of this section.";

And by renumbering sections accordingly;

On page 20, in line 39, by striking "at the polling place, or if" and inserting ", the

voter may vote a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto. If the voter's":

On page 21, in line 36, by striking "applicant" and inserting "voter"; in line 43, after "or" by inserting "a concealed carry of handgun or weapon license issued";

On page 22, in line 6, by striking "a public" and inserting "an accredited"; in line 7, after "institution" by inserting "of education"; by striking all in lines 10 through 16; in line 17, by striking "(3)"; and inserting "(2)"; in line 25, by striking "are" and inserting "have":

On page 26, in line 6, by striking "which involve an election crime, attempted election crime or"; in line 7, by striking "violation"; in line 12, by striking "an"; in line 13, by striking "action" and inserting "a prosecution"; also in line 13, by striking "which involves an election crime, attempted election"; in line 14, by striking "crime or violation"; in line 16, after "prosecution" by inserting "or proceeding"; in line 26, after "K.S.A." by inserting "25-2203, 25-2352,";

On page 1, in the title, in line 2, before "25-2411" by inserting "25-2203, 25-2352,"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2120** be amended on page 1, following line 20, by inserting "(c) The Kansas streamlining government act shall not apply to any fee-funded state agency. The Kansas streamlining government commission shall have no authority to review or make recommendations regarding any fee-funded state agency."; in line 36, by striking the period and inserting "; and

(g) "fee-funded state agency" means the abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing instruments, Kansas dental board, Kansas real estate commission, Kansas state board of cosmetology, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, the state board of pharmacy, state board of technical professions, state board of veterinary examiners, state department of credit unions and Kansas home inspectors registration board.":

On page 2, in line 18, by striking "five" and inserting "four"; in line 43, after "member" by inserting "shall be disqualified to serve as a member of the commission and"; also in line 43, by striking "within 10 days";

On page 3, in line 1, by striking "from" and inserting "effective on"; and the bill be passed as amended.

REPORT ON ENROLLED RESOLUTIONS

Sub. HR 6004 reported correctly enrolled and properly signed on February 21, 2011. Also, **HCR 5003**, **HCR 5014** reported correctly enrolled and properly signed on February 22, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, February 23, 2011.

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, February 23, 2011, 10:00 a.m.

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

The roll was called with 121 members present.

Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

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

Present later: Rep. Goico.

Prayer by guest chaplain, the Rev. Matt Goodwin, Oakland Church of the Nazarene, Topeka:

O God, Be with us this day, within us to purify us; Above us to draw us up; Beneath us to sustain us; Before us to lead us; Behind us to restrain us; Around us to protect us' (St Patrick)

We pray O God, that your holy and life-giving Spirit may so move every human heart, that barriers which divide us may crumble, suspicions disappear and hatreds cease; that our divisions being healed, we may live together in justice and peace; through your strong, yet gentle heart. We pray for each representative, for great discernment and wisdom, that their work this day would be of great benefit to the people of this great state, this country, and even around the world.

And its in the name of Jesus I pray.

The Pledge of Allegiance was led by Rep. Brown.

Kansas Trivia Question – The Kansas Capital has been located in what five locations?

Answer: Fort Riley, the Shawnee Mission, Lecompton, Lawrence and Topeka.

INTRODUCTION OF GUESTS

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

The St. James Academy volleyball program is in just its sixth year of existence, and in that time the team has won three State Championships and one National Title under Coach Nancy Dorsey. This past season, the Lady Thunder went 44-1 on the season, had over twenty victories against teams nationally ranked, won their third straight state title and was crowned National Champions by Prep Volleyball. This is the first time a team in Kansas has ever been named National Champ! It was a very exciting year for an excellent group of girls.

Rep. Donohoe introduced the coaches, managers and team members to the members House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2363, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5021--

By Representatives O'Neal and Davis

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2011 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 25, 2011, and shall reconvene on March 2, 2011, pursuant to adjournment of the daily session convened on February 25, 2011; and That the legislature shall adjourn at the close of business of the daily session convened on March 23, 2011, and shall reconvene on March 28, 2011, pursuant to adjournment of the daily session convened on March 23, 2011; and

That the house of representatives shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and the senate shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and both houses of the legislature shall reconvene on April 27, 2011, at 10:00 a.m.; 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 to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days. Sundays excepted: and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: HB 2362.

MESSAGES FROM THE SENATE

Announcing passage of SB 23, SB 24, SB 28, SB 36, SB 41, SB 46, SB 52, SB 80, SB 115, SB 123

Announcing passage of HB 2033.

Also, announcing passage of SB 8, SB 55, SB 90, SB 97, SB 108, SB 134.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLTIONS

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

SB 8, SB 23, SB 24, SB 28, SB 36, SB 41, SB 46, SB 52, SB 55, SB 80, SB 90, SB 97, SB 108, SB 115, SB 123, SB 134.

CONSENT CALENDAR

No objection was made to HCR 5009 appearing on the Consent Calendar for the second day.

No objection was made to **HB 2227** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2227, AN ACT concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

Sub. HB 2004, AN ACT concerning school districts; relating to certain pupils; amending K.S.A. 72-8303 and 72-8309 and K.S.A. 2010 Supp. 72-1046b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Tyson, Vickrey, Victors, Ward, Weber, B. Wolf, Worley.

Nays: Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Roth, Ruiz, Schroeder, Shultz, Slattery, Swanson, Tietze, Trimmer, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The substitute bill passed.

HB 2010, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox,

Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2027, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2044, AN ACT concerning motor vehicles; relating to requirements after a collision; amending K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-1605 and section 292 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 8-1603 and 8-1606, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 36; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Gregory, Hedke, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether,

Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Gordon, Grange, Grosserode, Hayzlett, Hildabrand, Hineman, Hoffman, Huebert, Kelley, Kinzer, Landwehr, Lane, McLeland, Montgomery, O'Brien, O'Hara, Patton, Peterson, Powell, Rhoades, Rubin, Scapa, Schwartz, Suellentrop, Swanson, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2104, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2010 Supp. 65-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 9; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Gordon, Grosserode, Kuether, Landwehr, Peck, Peterson, Ruiz, Tyson. Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2124, AN ACT concerning certified public accountants; relating to professional corporations practicing in partnership; amending K.S.A. 2010 Supp. 1-308 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: Burroughs.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2141, AN ACT concerning property, relating to instruments conveying interests in wind or solar resources; amending K.S.A. 58-2272 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Dillmore, D. Gatewood, Ward.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2151, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hillabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell,

Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Burroughs, Dillmore, Kuether, Lane, Mah.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2157, AN ACT concerning taxation; regarding tax information; relating to the disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2158, AN ACT concerning state agencies; relating to performance measures; amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-72,123 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Flaharty.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2169, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 46; Present but not voting: 3; Absent or not voting: 4.

Yeas: Alford, Ballard, Bethell, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kelly, Kerschen, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, O'Neal, Osterman, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Rubin, Ruiz, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Billinger, Bollier, Boman, Brown, Brunk, Calloway, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Hara, Peck, Powell, Rhoades, Ryckman, Scapa, Schwab, Schwartz, Sloan, Suellentrop, Tyson.

Present but not voting: M. Holmes, O'Brien, Otto.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2182, AN ACT concerning the unused medication act; relating to mail service pharmacies; amending K.S.A. 2010 Supp. 65-1669 and 65-1671 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto,

Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2184, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, S. Gatewood, Ward.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2192, AN ACT regulating traffic; concerning safety belts; traffic controlled lights; amending K.S.A. 8-1508 and 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 22; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, D. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Spalding, Tietze, Trimmer, Vickrey, Victors, Ward,

Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Bruchman, Carlin, Colloton, Dillmore, Flaharty, Garber, S. Gatewood, Gordon, Grosserode, Landwehr, Mah, McLeland, Peck, Roth, Schwartz, Sloan, Smith, Suellentrop, Swanson, Tyson, Wetta.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR Speaker: I respectfully vote no on **HB 2192**. The bill lacks provisions preventing bicyclists and motorcyclists from circumventing the line of traffic while waiting for a signal to change. Too often operators of motorcycles and bicycles choose to weave through stopped traffic to quickly reach the intersection and continue on their way. If other vehicles have triggered the traffic light and are required to stop and wait for the signal to change, so must motorcyclists and bicyclists.—Barbara Bollier

HB 2249, AN ACT concerning controlled substances; relating to cathinones; amending K.S.A. 2010 Supp. 65-4105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 9; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Gordon, Grosserode, Hildabrand, Kuether, Landwehr, Lane, Schwab.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Aurand in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2200**, **HB 2251**, **HB 2035**, **HB 2218** be passed over and retain a place on the calendar.

Committee report to **HB 2015** be adopted; and the bill be passed as a amended.

On motion of Rep. Ruiz, to rerefer **HB 2130** to Committee on Commerce and Economic Development, the motion did not prevail.

Also, on motion to recommend HB 2130 favorably for passage, roll call was demanded:

On roll call, the vote was: Yeas 80; Nays 36; Present but not voting: 1; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Davis, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: Tyson.

Absent or not voting: Dillmore, Fund, Goico, Kelley, Kiegerl, Rhoades, Wetta, K. Wolf

The motion to recommend **HB 2130** favorably for passage prevailed and the bill be passed.

Committee report to **HB 2241** be adopted; also, on motion of Rep. Brookens to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2149** be adopted; and the bill be passed as a amended.

Committee report to **HB 2231** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Government Efficiency** recommends **HB 2194** be amended on page 1, in line 4, by striking "13" and inserting "15"; in line 5, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 25, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 2, in line 3, by striking "13" and inserting "15"; in line 20, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; also in line 20, by striking "council on efficient"; in line 21, by striking "government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 3, in line 27, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 4, in line 31, by striking all following "the"; in line 32 by striking "government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 7, in line 10, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 39, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 8, in line 27, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 36, by striking "13" and inserting "15"; following line 40 by inserting "Sec. 13. The provisions of this act shall only apply to state agencies that receive state appropriations, state general funds or federal funds appropriated through the state.";

And by renumbering the sections accordingly;

Also on page 8, in line 41, by striking "13" and inserting "15";

On page 9, in line 2, by striking "13" and inserting "15"; by striking all in lines 4 and 5; following line 5, by inserting "Sec. 15. The provisions of sections 1 through 15, and amendments thereto, shall expire on July 1, 2014.";

On page 1, in the title, in line 1, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2195** be amended on page 1, in line 14, by striking "city" and inserting "municipality"; in line 33, before "newspaper" by inserting "official"; in line 34, by striking "greatest circulation in";

On page 2, in line 30, by striking the second comma; by striking all in line 31; in line 32, by striking all before the period; in line 34, by striking "two years" and inserting "18 months"; in line 35, by striking "two-year" and inserting "18-month"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2240** be amended on page 3, in line 14, by striking the comma where it appears for the first time;

On page 5, in line 15, after "earnings" by inserting "on a regular basis more often than annually and in which case the calculation of the distributable earnings shall be filed"; in line 16, by striking all after "year"; in line 17, by striking all before the comma: and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6011-

By Committee on Federal and State Affairs

A RESOLUTION expressing support of the Kansas House of Representatives for the state's legal challenge of Obamacare.

WHEREAS, The federal Patient Protection and Affordable Care Act ("Obamacare") was passed by Congress on March 23, 2010 and signed into law by President Obama on March 30, 2010; and

WHEREAS, Obamacare contains harmful provisions designed to create a federally-imposed universal healthcare program; and

WHEREAS, The most egregious of these provisions is an unconstitutional federal mandate requiring all individuals to purchase approved health insurance; and

WHEREAS, The United States House of Representatives of the 112th Congress recently passed the "Repealing the Job-Killing Health Care Law Act" on January 19,

2011. The United States Senate then failed to follow the clear will of the American people by not also passing a full repeal of Obamacare; and

WHEREAS, Kansas, under the direction of Attorney General Derek Schmidt, has joined 25 other states in a legal challenge to the constitutionality of Obamacare in the State of Florida, et al. v. United States Department of Health and Human Services, et al., Case No. 3:10-cv-910RV/EMT (N.D. Fla. 2011); and

WHEREAS, The framers of our constitution created a system of dual sovereignty under which the powers delegated to the federal government are few and defined. Under the commerce clause, Congress may only regulate economic activity between the states and Obamacare's individual mandate clearly constitutes an unprecedented attempt to regulate economic inactivity by forcing private citizens to become market participants; and

WHEREAS, Federal Judge Roger Vinson declared Obamacare an unconstitutional exercise of Congressional power on January 31, 2011. Judge Vinson held: "The individual mandate is outside Congress' commerce clause power, and it cannot be otherwise authorized by an assertion of power under the necessary and proper clause. It is not constitutional."; and

WHEREAS, In reaching his decision, Judge Vinson reasoned that "...never before has Congress required that everyone buy a product from a private company (essentially for life) just for being alive and residing inside the United States." He went on to say, "...if Congress can penalize an individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain for it would have been difficult to perceive any limitation on federal power."; and

WHEREAS, The passage of Obamacare has already had a detrimental effect on the state of Kansas and will continue to raise costs, reduce the quality of care and threaten future prosperity; and

WHEREAS, Obamacare has caused health insurance premiums to rise an average of 5% to 7% in Kansas, and with the bulk of the law's provisions still not scheduled to go into effect for three years, further large premium increases are anticipated in the future; and

WHEREAS, The law's provisions make it more difficult for young adults to afford health coverage, and that is the group that insurer's need to keep overall costs in line; and

WHEREAS, The law acts as a disincentive for small business owners to provide insurance coverage for their employees; and

WHEREAS, The law converts the medicaid program from a federal-state partnership to provide a safety for the needy into a federally-imposed universal healthcare program that removes state discretion and unfairly mandates massive expenditures by the state.

Be it resolved by the House of Representatives of the State of Kansas: That Obamacare is an unconstitutional exercise of federal power that violates the fundamental concepts of federalism and limited government; and

Be it further resolved: That the Kansas House of Representatives wishes to express its steadfast support for the Attorney General's challenge to Obamacare in federal court.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to attorney general, Derek Schmidt.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2310**, **HB 2311**, **HB 2328**, **HB 2333** from Committee on Appropriations and rereferral to Committee on Pensions and Benefits.

Also, the withdrawal of **HB 2234, HB 2248** from Committee on Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB** 2245 from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2018** from Committee on Appropriations and rereferral to Committee on Education.

Also, the withdrawal of **HB 2321**, **HB 2322** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2087**, **HB 2305** from Committee on Appropriations and rereferral to Committee on Judiciary.

Also, the withdrawal of **HB 2109** from Committee on Appropriations and rereferral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **HB 2259**, **HB 2277**, **HB 2318** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2292, HB 2293, HB 2307** from Committee on Appropriations and rereferral to Committee on Insurance.

On motion of Rep. Siegfreid, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

Announcing passage of SB 85, SB 103, SB 125; Sub. SB 127; SB 128.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 85, SB 103, SB 125; Sub. SB 127; SB 128.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Aurand in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2066** be passed.

HB 2034 be passed over and retain a place on the calendar.

Committee report to HB 2329 be adopted; also, on motion of Rep. Brookens to

amend, the motion did not prevail, and the bill be passed as a amended.

Committee report to **HB 2035** be adopted; also, on motion of Rep. Loganbill to amend, the motion did not prevail. Also, on motion of Rep. Flaharty to amend, the motion did not prevail and the bill be passed as a amended.

Committee report to **HB 2218** be adopted; also, on motion of Rep. Kinzer be amended on page 8, following line 9, by inserting: "New Sec. 5. Nothing in this act shall be construed to repeal any statute dealing with abortion, but shall be considered supplemental to such other statutes."

And by renumbering sections accordingly;

Also, on motion of Rep. Mah to amend, the motion did not prevail, and **HB 2218** be passed as a amended.

Committee report to **HB 2251** be adopted; also, on motion of Rep. Peck to amend, Rep. Trimmer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Peck to amend which did not prevail.

Also, on motion of Rep. Brown to amend **HB 2251**, the motion did not prevail, and the bill be passed as a amended.

Committee report to **HB 2200** be adopted; also, on motion of Rep. McLeland to amend, the motion did not prevail.

Also, on motion of Rep. Huebert, **HB 2200** be amended on page 6, following line 14, by inserting "New Sec. 4. Moneys received by a school district from bonds issued by the school district shall be used for the purposes for which the bonds were issued in pursuant to the election on the bonds."

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

Committee report to **HB 2119** be adopted; also, on motion of Rep. Davis be amended on page 2, in line 20, before "Section" by inserting "New";

On page 2, following line 39, by inserting:

- "Sec. 2. K.S.A. 8-305 is hereby amended to read as follows: 8-305. All motor vehicles owned or leased by any political subdivision of the state of Kansas shall bear the name of the political subdivision owning or leasing such vehicle plainly printed on both sides thereof. This act shall not apply to the following:
 - (a) Municipal fire apparatus, police patrols and ambulances;
- (b) passenger vehicles used by plain clothes police officers, county or district attorney investigators or community corrections personnel working in the employ of any political subdivision; and
 - (c) motor vehicles owned or leased by any municipal university.";

And by renumbering sections accordingly;

On page 3, before line 1, by inserting "Sec. 3. K.S.A. 8-305 is hereby repealed."; in line 1, by striking "2." and inserting "4.";

On page 1, in the title, in line 1, before "accident" by inserting "political subdivisions; relating to"; in line 2, after "fees" by inserting "; relating to marking of vehicles; amending K.S.A. 8-305 and repealing the existing section; and **HB 2119** be passed as amended.

Committee report to **HB 2122** be adopted; and the bill be passed as a amended.

Committee report to **HB 2042** be adopted; and the bill be passed as a amended.

Committee report to **HB 2031** be adopted; and the bill be passed as a amended.

Committee report to HB 2294 be adopted; also, on motion of Rep. Goodman to

amend, the motion did not prevail.

Also, on motion of Rep. Frownfelter to amend **HB 2294**, the motion was withdrawn. Also, on motion of Rep. Siegfreid to amend, the motion did not prevail. and **HB 2294** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-Term Care** recommends **HB 2296** be amended on page 2, in line 1, by striking "nine" and inserting "11"; in line 18, by striking "and"; in line 20, by striking the period and inserting "; and

(10) two members appointed by the governor, one of which shall be a former employee of the Kansas neurological institute and the other of which is a parent of a current resident of the Kansas neurological institute.":

On page 3, in line 15, by striking "deposited in this" and inserting "credited to the Kansas neurological institute community conversion conservation"; also in line 15, after "fund." by inserting "All proceeds resulting from a sale, lease, mortgage or any other transaction of Kansas neurological institute real or personal property shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute community conversion conservation fund."; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2271** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2271," as follows:

"Substitute for HOUSE BILL NO. 2271

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2271 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends HB 2312 be amended on page 2, following line 29, by inserting "(i) Violation of subsection (a) is a class A nonperson misdemeanor."; by striking all in line 35; in line 36, by striking "(2)"; and inserting "(1)"; by striking all in lines 37 and 38; in line 39, by striking "(4)"; and inserting "(2)":

And redesignating the remaining paragraphs accordingly;

Also on page 2, in line 40, by striking "approval"; also in line 40, by striking "plead" and inserting "pled";

On page 3, in line 12, by striking "approval"; also in line 12, by striking "plead" and inserting "pled"; in line 13, before "K.S.A." by inserting "section 1, and amendments thereto,"; in line 21, by striking "lead" and inserting "led"; in line 26, following "partnership" where it appears for the first time, by inserting "or limited liability corporation"; also in line 26, following "partnership" where it appears for the second time, by inserting "or limited liability corporation";

On page 4, in line 22, by striking "occured" and inserting "occurred"; in line 39, following "of" where it appears for the first time by inserting "section 1, and amendments thereto,";

On page 5, in line 9, following "board" by inserting "denying,"; in line 12, by striking all following the period; by striking all in lines 13 and 14;

On page 6, by striking all in lines 4 through 15; in line 16, by striking "(d)" and inserting "(c)"; in line 22, following "or" by inserting ", if the property is regulated scrap metal,"; in line 23 by striking "property that is" and inserting "such"; in line 24, following "time" by inserting "immediately prior to"; also in line 24, by striking "of property that is" and inserting "such"; also, in line 24, by striking "occurred";

On page 8, in line 40, following "provider" by inserting "or any such wire or cable that has had the sheathing removed, making ownership identification impossible";

On page 9, in line 18, by striking "the following purchases" and inserting "all purchases of property from any person in excess of \$35, copper in any form for any amount, catalytic converters and refrigeration condensing units and related parts,"; in line 19, by striking "a" where it appears for the first time and inserting ":

(1) A";

Also on page 9, in line 21, by striking the first colon and inserting "; or"; by striking all in lines 22 through 25; following line 25 by inserting the following:

"(2) a similar system for automated payment distribution which videotapes and identifies all transactions and participants and is approved by the board of county commissioners or city governing board."; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2221** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. HB 2221," as follows:

"Substitute for HOUSE BILL NO. HB 2221

By Committee on Government Efficiency

"AN ACT concerning state agencies; relating to the employee award program;

amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2221 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2317** be amended on page 1, in line 36, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 2, in line 26, after the period, by inserting "If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets."; in line 28, by striking "taxable income" and inserting "net income before expensing or recapture"; in line 29, by striking all after "amount"; by striking all in line 30; in line 31, by striking all before the period and inserting "shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto";

On page 3, in line 21, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 4, after line 8, by inserting "* Not Applicable.";

On page 7, in line 4, by striking "2011" and inserting "2012"; in line 5, by striking "determine" and inserting "estimate"; in line 6, after "of" by inserting "net"; in line 7, by striking "subsection (g) of section 2, section 3, section 4, K.S.A. 79-"; in line 8, by striking all before the period and inserting "any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in section 2, and amendments thereto"; in line 15, by striking "many" and inserting "money";

On page 8, by striking all in lines 29 through 43;

On page 9, by striking all in lines 1 through 8;

And by renumbering sections accordingly;

On page 11, in line 36, by striking all after the comma; in line 37, by striking all before "any":

On page 12, in line 9, by striking "and before January"; in line 10, by striking "1, 2017" and inserting "for a qualified business facility investment in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties"; in line 11, by striking "\$5,000,000" and inserting "\$1,000,000"; in line 12, by striking all after "filed"; by striking all in line 13; in line 14, by striking all before "prior" and inserting "a certificate of intent to invest in a qualified business facility pursuant to this subsection in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte county"; in line 15, after "2011," by inserting "and commences investments in a qualified business facility prior to December 31, 2013,";

On page 21, in line 24, by striking "and before"; in line 25 by striking "January 1, 2017,";

On page 47, after line 12, by inserting the following:

"New Sec. 13. Prior to January 1, 2017, the standing committee on assessment and taxation of the senate and the standing committee on taxation of the house of representatives shall review the income tax credit cost effectiveness report prepared by the department of revenue as required pursuant to K.S.A. 74-99b35, and amendments thereto, and other relevant information to determine whether the credits provided in K.S.A. 74-50,132 and subsection (e) of K.S.A. 79-32,160a, and amendments thereto, and the exemption provided in subsection (cc) of K.S.A. 79-3606, and amendments thereto, shall continue in effect or be repealed.";

Also, on page 47, in line 14, by striking "74-50,132,";

On page 1, in the title, in line 6, by striking "74-50,132,"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2364, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawl of **HB 2129** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2303** from Committee on Energy and Utilities and referral to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2027, HB 2044, HB 2104, HB 2124, HB 2141, HB 2158, HB 2182, HB 2192 reported correctly engrossed Februar 23, 2011.

On motion of Rep. Siegfreid, the House adjourned until 9:30 a.m., Thursday, February 24, 2011.

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, February 24, 2011, 9:30 a.m.

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

The roll was called with 121 members present.

Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

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

Prayer by guest chaplain, the Rev. Bobby Massay, pastor, LifePoint Church, Valley Center, guest of Rep. Huebert:

Representative Vince Wetta's father-in-law died on Wednesday. The funeral will be Friday. Please pray for his family, and especially for his wife Marilyn in the loss of her father, Roman Winter.

Father in heaven, we thank you for your abundant grace that allows us to come before your throne and make our request known to you. Your word promises that your grace is sufficient to help us in our time of need.

Today we ask for your grace as we are in need of your direction for the decisions made in this great assembly hall. Father, we ask that every policy debated, every plan discussed, and every purpose decided upon be filtered through the truth of your precious word. Grant that all those who serve in this House have their hearts turned to you as they ponder the direction we are to go and the course that is to be set

Father, we are grateful for your loving kindness that leads us to repentance for actions that have not been made out of your leadership but rather our own selfishness. Forgive us, Oh God, for taking advantage of your grace and help us to walk in your ways. Please give to all in this room wisdom to lead and the courage to carry out your will. In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Gregory.

Kansas Trivia Question – The Kansas flag hasn't been changed since its adoption in 1927, with one exception. During the state's centennial, what was added to the flag?

Answer: The word "Kansas."

PERSONAL PRIVILEGE

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

In the words of President Dwight D. Eisenhower, "It is fitting and proper that we devote one day each year to paying special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world."

Armed Forces Day was created in 1949 following the consolidation of the military services in the Department of Defense to honor Americans serving in the five U.S. military branches – the Army, Navy, Marines, Air Force, and Coast Guard. This morning, our Governor has signed a proclamation designating today, Thursday, February 24th 2011, as Armed Forces Appreciation Day.

Today, 62 years after the formation of the Department of Defense and the first Armed Forces Day, the United States military service members are standing ever vigilant at their posts around the world to keep us safe. The military of the United States is deployed in more than 150 countries and they are working here at home to protect America from threats foreign and domestic. They are risking their lives in the deserts of Iraq and the mountains of Afghanistan. They are serving bravely providing security and peacekeeping missions in Djibouti, Kenya, Kosovo and the Sinai. They provide humanitarian assistance where the world, our nation, and Kansas have a dire need. The Members of our Armed Forces are forging a better future for our Nation and the world.

Today, the National Guard and Reserve not only continue their support to emergencies at home and to active duty units that deploy, but are also deployed themselves. An example is Kansas' own Alpha Company, 2d-137th Combined Arms Battalion, from nearby Lawrence, commanded by Captain Zach Rolf which is in Africa at this moment. They make the extra sacrifice of leaving their full time jobs to deploy and their families are not afforded the support that military families on an active duty post receive.

This brings me to another group which deserves special thanks—the spouses of our service members, spouses who take care of the families and raise the children while their service members are at sea or stationed far away, and spouses who have left our shores to be in a faraway land with their service members. As the members of our all volunteer force carry out their missions, their families make their own sacrifices. Military families make a vital contribution to our nation in the support they give to our men and women in uniform. If they were unwilling to endure the absences, the moves between duty stations, and the worry, our service members would not be able to give their full attention to their missions.

The Soldiers, Sailors, Airmen, Marines, and Coastguardsmen who have answered the call to service deserve recognition and gratitude. They have endured the most difficult of conditions to protect America and her highest ideals.

All Kansans need to know the sacrifices of the Armed Forces of the United States and I ask you to join me in sincere thanks.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 123**. Corrections and Juvenile Justice: **SB 23**, **SB 55**.

Education Budget: SB 8, SB 28, SB 41.

Elections: HB 2363, HB 2364; SB 103, SB 125, SB 127, SB 128.

Federal and State Affairs: **SB 80**. Government Efficiency: **SB 115**.

Health and Human Services: HR 6011; SB 90, SB 134.

Insurance: SB 85.

Judiciary: SB 24, SB 36, SB 46, SB 52, SB 97.

Taxation: SB 108.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2296** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

MESSAGES FROM THE SENATE

Announcing passage of SB 6.

Also, announcing passage of Sub. SB 33; SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 150, SB 170, SB 186.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 6; Sub. SB 33; SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 150, SB 170, SB 186.

CONSENT CALENDAR

No objection was made to **HCR 5009** appearing on the consent calendar for the third day. The resolution was advance to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5009, urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers to determine the best available technology for site specific ecosystems, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 5; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Flaharty, Kuether, Lane, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The resolution was adopted.

HB 2015, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: Peck.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2031, AN ACT concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 5; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr,

Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Flaharty, Frownfelter, Kuether, Tietze, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2035, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 25; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR Speaker: In standing with the Governor's promise of less government intrusion into the lives of Kansans, I vote "no" on **HB 2035**. The sacredness of the physician-patient relationship should <u>always</u> be preserved.—Barbara Bollier, Ann Mah, Charlie Roth

MR Speaker: I vote no on **HB 2035**. I have stayed firm in my belief that we have too much government intrusion in our lives. Current law prohibits late term abortions. As a Legislator I am not qualified to make decisions that may save the life of the mother those decisions should be made by the woman, her family and her doctor.—Lana Gordon

HB 2042, AN ACT concerning crimes and punishment; relating to sexually violent crimes, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Lane.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2066, AN ACT concerning certain city annexation of fire district territory, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed.

HB 2119, AN ACT concerning political subdivisions; relating to accident response service fees; relating to marking of vehicles; amending K.S.A. 8-305 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Kelly.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2122, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 17; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Denning, Dillmore, Donohoe, Grosserode, Hedke, Hildabrand, Kelley, Kinzer, Landwehr, McLeland, Meigs, Montgomery, Rhoades, Scapa, Smith.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2130, AN ACT concerning labor organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 46; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Prescott, Roth, Ruiz, Schwartz, Slattery, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed.

EXPLANATIONS OF VOTE

Mr Speaker: I vote no on **HB 2130** because it is bad policy that strips Kansas workers of their freedom and from having their voices heard in goveenment. By passing this legislation, the Kansas House is promoting intrusive and over reaching government solely for political gain. This is punitive and petty, and I must vote no, because I believe Kansas workers are smart enough to make their own decisions. —Mike Slattery, Tom Burroughs, Sydney Carlin, Nile Dillmore, Bill Feuerborn, Gail Finney, Geraldine Flaharty, Stan Frownfelter, Doug Gatewood, Sean Gatewood, Bob Grant, Broderick Henderson, Jerry Henry, Annie Kuether, Harold Lane, Judith Loganbill, Ann Mah, Melody McCray-Miller, Melanie Meier, Janice L. Pauls, Mike Peterson, Eber Phelps, Louis Ruiz, Annie Tietze, Ed Trimmer, Ponka-We Victors, Jerry Williams, Valdenia Winn, Kathy Wolfe Moore

MR Speaker: As a card carrying union member for over 20 years, I have experienced personally giving my money to the union only to support people I would not and had no voice with the union, therefore, I support **HB 2130** to protect other union members like myself.—Joe Seiwert

MR Speaker: I vote yes on **HB 2130** to protect Kansas workers. For too long, unions have placed a stranglehold on their members' political contributions. Workers should be granted the freedom to choose whom they support and paycheck protection gives them that ability.—Anthony Brown, TerriLois Gregory, Dennis Hedke, Forrest Knox, Kelly Meigs, Greg Smith, Brian A. Weber

MR Speaker: I vote Yes on **HB 2130**. I am tired of dues money going to support politicians who support illegal immigration, job killing green regulation, and the elimination of workers right to a secret ballot when unions are organized. Business and

other P.A.C's must write checks, this does level the playing field.—BILL OTTO

MR Speaker: I vote yes on **HB 2130**. Kansas is not alone in protecting their workers from forced and coerced political contributions. Seven other states offer similar protection and the United States Supreme Court unanimously ruled paycheck protection to be constitutional. This is not an attack on the first amendment. Our workers should be protected so I vote yes.—Arlen Siegfreid, Jim Howell, Peggy Mast

MR Speaker: I vote yes on **HB 2130**. State and local government's ability to collect funds and fees for political activities is not an essential function of government. I believe government should not engage in gathering funds to be used for political activities so I vote YES.—Kyle Hoffman

MR SPEAKER: In the nine years that I have served in the House, I'm not sure that I have seen a more dismal piece of legislation. The bill has been deemed the Paycheck Protection Act. It really should be called the Political Protection Act for those who support this oppressive piece of legislation. Shame on this body for sacrificing the 1st Amendment right to the political speech of Kansas workers just so some can gain an advantage in the next election. Hard working Kansans deserve better. I vote No on **HB 2130.**—Paul Davis

MR Speaker: Disruption of the legislative process by disrespectful shouting by those in the spectator gallery is not the proper way to solicit support for a particular piece of legislation. The chaos and disrespect displayed by individuals who supposedly are union supporters, and that resulted in their expulsion by members of law enforcement, was an outlandish display of disrespect for the legislative process. I believe in mutual respect between parties that may have dissenting views, evidently this group does not share that belief. This inappropriate episode changed my mind and prompted me to a "yes" vote on **HB 2130.**— John C. Grange

MR Speaker: Tactics of intimidation, both blatant and unprecedented, were publicly displayed today in the gallery of the House of Representatives and outside its chamber to influence elected officials' votes. Those tactics included verbal threats and sexually explicit comments to female legislators and staff. I cannot imagine the intimidation methods unions would be willing to use on their members when no one is watching. Our hard-working, law-abiding union members are asking for protection from such abuse. I vote yes on HB 2130.—Scott Schwab, Richard Carlson, Dennis Hedke, Lance Kinzer, Marvin Kleeb, Michael R. O'Neal, Virgil Peck, Jr.

HB 2149, AN ACT concerning the department of wildlife and parks; relating to land acquisition; amending K.S.A. 2010 Supp. 32-833 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly,

Kerschen, Kinzer, Knox, Loganbill, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grange, Grosserode, Henderson, Henry, Kleeb, Kuether, Landwehr, Lane, Mah, McCray-Miller, Meier, Peterson, Phelps, Ruiz, Slattery, Tietze, Victors, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2200, AN ACT concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2010 Supp. 72-8814 and 75-2319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 42; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Johnson, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2218, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,

O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Wolfe Moore

Nays: Aurand, Ballard, Bollier, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR Speaker: The current accepted standard, based on valid medical data, states that processable fetal pain begins the 29th or 30th week of gestation. The inclusion in this bill of the requirement that a pregnant woman must carry to term a fetus diagnosed with anencephaly, is unconscionable. I vote "no" on **HB 2218** firm in my belief that the government does not belong in this heart wrenching physician-patient relationship.—Barbara Bollier, Don Hill, Charlie Roth

MR Speaker: I don't understand how this body can pass a law that requires a woman to carry a terminally ill child to term against the family's wishes. How can a body that supports less government intrude on a family's most tragic circumstance in this way? We are not talking about a mere disability here. We are taking away the right of a family to make end of life decisions for their terminally ill child. That unconscionable. Perhaps we should send a legislator to explain to the family how important it was that the Kansas House of Representatives intervene in a tragic situation to make it the worst day of their lives. I vote no on **HB 2218.**—Ann Mah, Annie Kuether

MR Speaker: I vote no on **HB 2218**. I have stayed firm in my belief that we have too much government intrusion in our lives. Current law prohibits late term abortions. As a Legislator I am not qualified to make decisions that may save the life of the mother, those decisions should be made by the woman, her family and her doctor.—Lana Gordon

MR Speaker: Recent dramatic advances in medicine and science have established beyond reasonable doubt that our unborn children can and do feel pain at least from the 22nd week of gestation. Indeed, their pain is even more excruciating than ours, because they have not yet developed the physiological pain defenses we have. That is why surgeons performing in utero surgery on our pain-capable unborn children now routinely administer anesthesia to them. It is barbaric to dismember and kill them via abortion. Their agony is no less just because we can't hear their screams. I vote to protect our pain-capable unborn children. I vote yes on **HB 2218.**—John Rubin

HB 2231, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2010 Supp. 82a-736 and repealing the existing section, was considered on final action

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2241, AN ACT concerning the Kansas dental practices act; relating to proprietor arrangements with licensees of dentistry; amending K.S.A. 65-1424 and K.S.A. 2010 Supp. 65-1435 and 65-1436 and repealing the existing sections. , was considered on final action

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2251, AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 and repealing the existing sections, was considered on final

action.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Tyson, Ward, Weber, B. Wolf, Worley.

Nays: Alford, Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, McCray-Miller, Meier, Moxley, Pauls, Peck, Peterson, Phelps, Roth, Ruiz, Ryckman, Schwartz, Slattery, Sloan, Swanson, Tietze, Trimmer, Vickrey, Victors, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2294, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 33; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Powell, Prescott, Rhoades, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Suellentrop, Trimmer, Tyson, Vickrey, Winn, B. Wolf, Wolfe Moore.

Nays: Bollier, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, Goodman, Grant, Henry, Kelly, Kuether, Loganbill, Meier, Mesa, Phelps, Pottorff, Proehl, Ruiz, Schroeder, Slattery, Spalding, Swanson, Tietze, Victors, Ward, Weber, Williams, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

HB 2329, AN ACT concerning courts; relating to expunged records; relating to petitions for relief; amending K.S.A. 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 22-2410 and 38-2312 and section 254 of chapter 136 or the 2010 Session Laws of Kansas repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 11; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Dillmore, Finney, Flaharty, Grosserode, Lane, Patton, Ruiz, Siegfreid, Slattery, Victors.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Wetta, K. Wolf.

The bill passed, as amended.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Brown in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2076**, **HB 2075**, **HB 2196** be passed.

HB 2197, HB 2152; Sub. HB 2188 be passed over and retain a place on the calendar. On motion of Rep. Knox to amend HB 2034, the motion did not prevail.

Also, on further motion of Rep. Knox, **HB 2034** be amended on page 1, following line 28, by inserting:

- "Sec. 2. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. (a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- (b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70 75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- Sec. 3. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 70.75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any

automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in line 29, by striking "is " and inserting ", 8-1560c and 8-1560d are":

On page 1, in the title, in line 2, after "highways;" by inserting "violations;" in line 3, after "8-1558" by inserting ", 8-1560c and 8-1560d"; also in line 3 by striking "section" and inserting "sections"; and **HB 2034** be passed as a amended.

Committee report recommending a substitute bill to **HB 2069** be adopted; and the substitute bill be passed.

Committee report to HB 2101 be adopted; and the bill be passed as a amended.

Committee report to **HB 2282** be adopted; and the bill be passed as a amended.

Committee report to **HB 2120** be adopted; and the bill be passed as a amended.

On motion of Rep. Ward, **HB 2105**, be amended on page 2, in line 30, by striking "14" and inserting "10";

On page 3, in line 7, by striking "14" and inserting "10"; and **HB 2105** be passed as amended

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

Announcing passage of SB 9, SB 59, SB 61, SB 63, SB 74, SB 76, SB 79, SB 83, SB 104, SB 122, SB 129, SB 133, SB 135, SB 139, SB 143, SB 145, SB 155, SB 160, SB 176, SB 179, SB 188.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 9, SB 59, SB 61, SB 63, SB 74, SB 76, SB 79, SB 83, SB 104, SB 122, SB 129, SB 133, SB 135, SB 139, SB 143, SB 145, SB 155, SB 160, SB 176, SB 179, SB 188.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Brown in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Brown, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2147**, **HB 2077** be passed.

Committee report to **HB 2258** be adopted; and the bill be passed as a amended.

Committee report to **HB 2201** be adopted; also, on motion of Rep. Aurand be amended on page 1, in line 7, by striking "equal to the state prescribed"; in line 8, by striking "percentage" and inserting "not less than 30% of the state financial aid of the

district in the current school year";

Also, on motion to recommend HB 2201 favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **Sub. HB 2191** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2135** be adopted; also, roll call was demanded on motion of Rep. Slattery to amend on page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 27;

On page 28, by striking all in lines 1 through 27; and inserting the following:

"New Section 1. As used in sections 1 through 12, and amendments thereto:

- (a) "Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site or to or from the job site.
- (b) "Contractor" means any sole proprietor, partnership, limited partnership, firm, corporation, limited liability company, association or other business entity that registers with the secretary of state who engages in construction. "Contractor" shall include a general contractor and a subcontractor.
 - (c) "Department" means the department of labor.
 - (d) "Secretary" means the secretary of labor.
- (e) (1) "Employer" means any contractor that employs individuals deemed employees under section 2. and amendments thereto.
 - (2) "Employer" shall not include the:
 - (A) State of Kansas or its officers, agencies or political subdivisions; or
 - (B) federal government.
- (f) (1) "Entity" means any contractor for which an individual is performing services and is not classified as an employee under section 2, and amendments thereto.
 - (2) "Entity" does not include the:
 - (A) State of Kansas or its officers, agencies or political subdivisions; or
 - (B) federal government.
- (g) "Interested party" means a person with an interest in compliance with sections 1 through 12, and amendments thereto.
 - (h) "Performing services" means the performance of any construction.
 - (i) "Sole proprietor" means a person who solely owns an unincorporated business.
- New Sec. 2. (a) For the purposes of sections 1 through 12, and amendments thereto, an individual performing services for a contractor is deemed to be an employee of the employer except as provided in subsections (b) and (c).
- (b) An individual performing services for a contractor is deemed to be an employee of the contractor unless it is shown that the:

- (1) Individual has been and will continue to be free from control or direction over the performance of the service for the contractor, both under the contract of service and in fact;
- (2) service performed by the individual is outside the usual course of services performed by the contractor; and
- (3) individual is engaged in an independently established trade, occupation, profession or business, or is deemed a legitimate sole proprietor or partnership under subsection (c).
- (c) The sole proprietor or partnership performing services for a contractor as a subcontractor is deemed legitimate if it is shown that:
- (1) The sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;
- (2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the contractor;
- (3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond ordinary tools and equipment and a personal vehicle:
- (4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;
- (5) the sole proprietor or partnership makes its services available to the general public or the business community on a continuing basis;
- (6) the sole proprietor or partnership includes services rendered on a federal income tax schedule as an independent business or profession:
- (7) the sole proprietor or partnership performs services for the contractor under the sole proprietorship's or partnership's name;
- (8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name:
- (9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service:
- (10) if necessary, the sole proprietor or partnership hires its own employees without contractor approval, pays the employees without reimbursement from the contractor and reports the employees' income to the internal revenue service;
- (11) the contractor does not represent the sole proprietorship or partnership as an employee of the contractor to its customers; and
- (12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.
- (d) Where a sole proprietor or partnership performing services for a contractor as a subcontractor is deemed not legitimate under subsection (c), the sole proprietorship or partnership shall be deemed an individual for purposes of sections 1 through 12, and amendments thereto. (e) Subcontractors or lower tiered contractors are subject to all provisions of sections 1 through 12, and amendments thereto.
- (f) Except as provided in section 7, and amendments thereto, a contractor shall not be liable under sections 1 through 12, and amendments thereto, for any subcontractor's failure to properly classify persons performing services as employees, nor shall a subcontractor be liable for any lower tiered subcontractor's failure to properly classify

persons performing services as employees.

New Sec. 3. It is unlawful for an employer or entity not to designate an individual as an employee under section 2, and amendments thereto, unless the employer or entity satisfies the provisions of section 2, and amendments thereto.

New Sec. 4. (a) Any interested party may file a complaint with the department against an entity or employer covered under sections 1 through 12, and amendments thereto, if there is a reasonable belief that the entity or employer is in violation of sections 1 through 12, and amendments thereto. It shall be the duty of the department to enforce the provisions of sections 1 through 12, and amendments thereto. The department shall have the power to conduct investigations in connection with the administration and enforcement of sections 1 through 12, and amendments thereto. Any investigator with the department shall be authorized to visit and inspect, at all reasonable times, any places covered by sections 1 through 12, and amendments thereto, and shall be authorized to inspect, at all reasonable times, documents related to the determination of whether an individual is an employee under section 2, and amendments thereto. The secretary or the secretary's representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation and may administer oaths to witnesses.

- (b) Whenever the department believes upon investigation that there has been a violation of any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules or regulations, the department may:
- (1) Issue and cause to be served on any party an order to cease and desist from further violation:
- (2) take affirmative or other action as deemed reasonable to eliminate the effect of the violation;
- (3) collect the amount of any wages, salary, employment benefits or other compensation denied or lost to the individual; and
 - (4) assess any civil penalty pursuant to section 7, and amendments thereto.
- (c) The civil penalties assessed by the department as well as any other relief requested by the department shall be recoverable in an action brought by the attorney general.
- New Sec. 5. Criminal violations of sections 1 through 12, and amendments thereto, may be prosecuted by the attorney general or the district or county attorney for the county in which the violation occurred. Upon determining that a criminal violation may have occurred, the department shall refer the matter to the attorney general or the district or county attorney for the county in which the violation may have occurred. In all other proceedings, the department shall be represented by the attorney general's office.
- New Sec. 6. Whenever it appears that any employer or entity has violated a valid order of the department issued under sections 1 through 12, and amendments thereto, the secretary may commence an action and obtain from the court an order commanding the employer or entity to obey the order of the department or be found guilty of contempt of court.

New Sec. 7. (a) An employer or entity that violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations upon a first violation shall be subject to acivil penalty not to exceed \$2,000 for each

violation. An employer or entity shall be subject to a civil penalty not to exceed \$3,000 for each second or subsequent violation within a five-year period. For purposes of this section, each violation of sections 1 through 12, and amendments thereto, for each person and for each day the violation continues shall constitute a separate and distinct violation. In determining the amount of a penalty, the secretary shall consider the appropriateness of the penalty to the employer or entity charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be recovered in a civil action filed in any court by the secretary, or a person aggrieved by a violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations. In any civil action brought by an interested party pursuant to this section, the court shall award the interested party 10% of the amount recovered. In such case, the remaining amount recovered shall be credited to the employee classification fund.

- (b) For any second or subsequent violation which is within five years of an earlier violation, the department shall add the employer or entity's name to a list to be posted on the department's official website. Upon such notice, the department shall notify the violating employer or entity. No state contract shall be awarded to an employer or entity appearing on the list until four years have elapsed from the date of the last violation.
- (c) Any person who willfully violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, or obstructs the secretary, or the secretary's representatives, or any other person authorized to inspect places of employment under sections 1 through 12, and amendments thereto, shall be liable for civil penalties up to double the amounts specified in subsection (a). Any person who willfully violates any of the provisions of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, shall be liable to the employee for punitive damages in an amount equal to the penalties assessed in subsection (a). The penalties established pursuant to this subsection shall be imposed in cases in which an employer or entity's conduct is proven by a preponderance of the evidence to be willful.
- (d) An entity or employer that willfully violates any provision of sections 1 through 12, and amendments thereto, or that knowingly conspires with, aids and abets or assists another entity or employer in violating any provision of sections 1 through 12, and amendments thereto, is guilty of a class C nonperson misdemeanor. An entity or employer that commits a second or subsequent violation within a five-year period is guilty of a severity level 10, nonperson felony.
- New Sec. 8. (a) All moneys received by the department pursuant to sections 1 through 12, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit that portion of the remittance necessary to pay the expenses incurred by the office of the attorney general in carrying out its powers and duties under sections 1 through 12, and amendments thereto, to the attorney general employee classification fund, which is hereby created, and the remainder to the department of labor employee classification fund, which is hereby created.
- (b) Subject to appropriations, all expenditures from the attorney general employee classification fund shall be used by the office of the attorney general for investigation, prosecution and other expenses incurred in carrying out its powers and duties under

sections 1 through 12, and amendments thereto. All expenditures from the attorney general employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general.

- (c) Subject to appropriations, all expenditures from the department of labor employee classification fund shall be used by the department for administration, investigation and other expenses incurred in carrying out its powers and duties under sections 1 through 12, and amendments thereto. All expenditures from the department of labor employee classification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.
- New Sec. 9. (a) It is unlawful for an employer or entity, or any agent of an employer or entity, to retaliate through discharge or in any other manner against any person for exercising any rights granted under sections 1 through 12, and amendments thereto. Such retaliation shall subject an employer or entity to civil penalties pursuant to section 7, and amendments thereto, or a private cause of action, or both.
 - (b) It is unlawful for an employer or entity to retaliate against a person for:
- (1) Making a complaint to an employer or entity, to a co-worker, to a community organization, before a public hearing, or to a state or federal agency that rights guaranteed under sections 1 through 12, and amendments thereto, have been violated;
- (2) causing to be instituted any proceeding under or related to sections 1 through 12, and amendments thereto; or
- (3) testifying or preparing to testify in an investigation or proceeding under sections 1 through 12, and amendments thereto.
- New Sec. 10. (a) An interested party or person aggrieved by a violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations, by an employer or entity may file suit in court, in the county where the alleged offense occurred or where any person who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in sections 1 through 12, and amendments thereto. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. A person whose rights have been violated under sections 1 through 12, and amendments thereto, by an employer or entity is entitled to collect:
- (1) The amount of any wages, salary, employment benefits or other compensation denied or lost to the person by reason of the violation, plus an equal amount in liquidated damages;
- (2) compensatory damages in amount up to \$500 for each violation of sections 1 through 12, and amendments thereto, or any authorized rules and regulations;
- (3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and
 - (4) reasonable attorney's fees and costs.
- (b) The right of an interested party or aggrieved person to bring an action under this section terminates upon the passing of three years from the final date of performing services to the employer or entity. This limitations period is tolled if an employer or entity has deterred a person's exercise of rights under sections 1 through 12, and amendments thereto.
 - New Sec. 11. (a) The department may adopt rules and regulations to implement and

administer sections 1 through 12, and amendments thereto.

- (b) Any finding made pursuant to sections 1 through 12, and amendments thereto, is for the purpose of enforcing sections 1 through 12, and amendments thereto, and may not be admissible or binding against a party in any other proceeding.
- (c) The provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, shall govern all administrative proceedings initiated under this section.
- New Sec. 12. (a) There shall be no waiver of any provision of sections 1 through 12, and amendments thereto.
- (b) It is a class C nonperson misdemeanor for an employer or entity to attempt to induce any individual to waive any provision of sections 1 through 12, and amendments thereto.
- Sec. 13. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.
- (b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.
- (c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;
- (2) allow the inspection of returns by the attorney general or other legal representatives of the state;
- (3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto:
- (4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;
- (5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or

economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

- (6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;
- (7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;
- (8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.) and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);
- (9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;
- (10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;
- (11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;
- (12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals'

reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and

- (13) provide taxpayer information of persons suspected of violating sections 1 through 12 or K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of sections 1 through 12 or K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.
- (d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).
- (e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.
- (f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.";

And by renumbering sections accordingly;

Also on page 28, in line 28, by striking "44-703, 44-766 and"; also in line 28, by striking "are" and inserting "is";

On page 1, in the title, in line 1, by striking "certain"; in line 2, by striking "to avoid tax withholding, contributions and reporting"; in line 3, by striking "requirements"; also in line 3, by striking "44-703, 44-766 and"; in line 4, by striking "sections" and inserting "section":

On roll call, the vote was: Yeas 32; Nays 87; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Hill, Kiegerl, Peterson, Wetta, K. Wolf.

The motion of Rep. Slattery did not prevail; and Sub. HB 2135 be passed.

Committee report to **HB 2128** be adopted; also, on motion of Rep. Davis be amended on page 1, in line 8, by striking "the" where it appears for the first time and inserting "a period beginning"; also in line 8, after "any" by inserting "primary"; in line 9, after "ballot" by inserting "and ending with the conclusion of the general election"; in line 26, by striking "the" and inserting "a period beginning"; also in line 26, after "any" by inserting "primary"; in line 27, after "ballot" by inserting "and ending with the conclusion of the general election"; and the bill be passed as amended.

Committee report to **HB 2080** be adopted; also, on motion of Rep. Rep. Huebert, **HB 2080** be amended on page 1, following line 4, by inserting the following:

"New Section 1. (a) All primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of even-numbered years and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of even-numbered years.

- (b) The term of members of governing bodies and other elected officials that would expire at any time in 2013 shall expire on the second Monday in January, 2013, when newly elected members of the governing body and other newly elected officials shall take office.
- (c) Primary elections for any municipality shall be held if there are three or more candidates for an elected position. The names of the two candidates receiving the greatest number of votes for any position at the primary election shall appear on the ballot at the general election.
- (d) The filing deadline for all candidates for any municipality unless otherwise provided by law shall be as provided in K.S.A. 25-205, and amendments thereto.
- (e) "Municipality" means any city, school district, community college, drainage district, extension district, irrigation district, library district created under K.S.A. 12-1236 et seq., and amendments thereto, and water districts created under K.S.A. 19-3501 et seq., and amendments thereto. The term does not include any municipality where the election of members of the governing body is conducted at a meeting of the municipality.

New Sec. 2. (a) Any city may adopt by ordinance one of the following forms of government:

- (1) Commission;
- (2) mayor-council;
- (3) commission-manager;
- (4) mayor-council-manager;
- (5) council-manager; or
- (6) any other form of government authorized by law or by ordinance or charter ordinance of the city.
- (b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.
- (c) The governing body of the city may establish by ordinance any of the following:

- (1) The powers and duties of the governing body including the mayor and other elected officials:
- (2) the term of office of members of the governing body including the mayor and other elected officials;
- (3) the election by ward or district of members of the governing body, if applicable;
 - (4) the powers and duties of the city manager, if applicable;
 - (5) the administrative departments of the city; and
 - (6) other matters deemed appropriate by the governing body.

New Sec. 3. All existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by such city.

- Sec. 4. K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of:
 (1) The board of county commissioners of each county included in the proposed extension district, subject to the provisions of subsection (i); (2) the executive board of the extension council of each county included in the proposed extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).
- (b) Prior to July 1 of any year, one or more county extension councils and the governing body of any existing extension district may establish a new extension district by entering into an agreement in accordance with this section to combine the extension programs for each such county and such district into one extension program serving a new extension district composed of all counties represented by such county extension councils and the area served by the existing extension district. No such agreement shall be effective unless such agreement has received the prior approval of:

 (1) The board of county commissioners of each county being added to the existing extension district, subject to the provisions of subsection (i); (2) the executive board of the county extension council of each county being added to the existing extension district, the governing body of the existing extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).
- (c) On July 1 after the approval under subsection (a) or (b) of an agreement to establish an extension district, such extension district is hereby established and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes under the name of "extension district no. ______ (the number designated by the director of extension), _____ counties (naming the counties included within the district), state of Kansas." Each extension district is a taxing subdivision and has the power to contract, sue and be sued and to acquire, hold and convey real and personal property in accordance with law.
 - (d) Upon the establishment of an extension district under subsection (a) or

- (b), all of the personnel and property of each of the extension programs which are combined into the new district extension programs shall be transferred to the new extension district and shall be subject to the authority of the governing body of the extension district in accordance with the agreement to establish the extension district.
- (e) Upon the establishment of an extension district under subsection (a), the board of county commissioners of each county joining in the establishing of an extension district shall appoint four qualified electors to membership on the governing body of the district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year succeeding the first Monday in November of the second even-numbered year following their appointment.
- (f) In the case of one or more counties being included in an existing extension district under subsection (b), the board of county commissioners of each county being included in an existing extension district shall appoint four qualified electors of the county to membership on the governing body of the expanded district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered yearfollowing the first Monday in November of the first even-numbered year following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered vearfollowing the first Monday in November of the second even-numbered year following their appointment. The offices of the members of the governing body of the existing extension district shall continue in existence and the persons in such offices shall be members of the governing body of the expanded extension district which is established on July 1 for the remainder of their existing terms of office.
- (g) In addition to other required provisions, each agreement entered into under this section shall specify the permissible method or methods to be employed in disposing of the assets and liabilities of the extension district in the event that one or more counties withdraw from the extension district under K.S.A. 2-628, and amendments thereto.
- (h) Each agreement entered into under this section or under K.S.A. 2-628, and amendments thereto, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with this act and the other laws of Kansas. The attorney general shall approve any agreement submitted for approval under this section or K.S.A. 2-628, and amendments thereto, unless the attorney general finds that the submitted agreement does not meet the requirements of this act. In such case, the attorney general shall specify in writing to the proposed parties to the agreement and to each other entity required to approve the agreement, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure by the attorney

general to disapprove an agreement submitted pursuant to this subsection within 90 days of its submission shall constitute approval of the agreement by the attorney general.

(i) Prior to approving an agreement under this section, the board of county commissioners of each county to be included in a proposed extension district under subsection (a) or to be added to an existing extension district under subsection (b), as the case may be, shall adopt a resolution stating the intention of the board of county commissioners to approve such agreement and specifying the counties that are to be included in the extension district. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 60 days following the last publication of the resolution, a petition in opposition to the approval of the agreement and the inclusion of the county in the extension district is signed by not less than 5% of the qualified electors of the county and is filed with the county election officer, such board of county commissioners shall not approve such agreement and the county shall not be included in the extension district unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a primary election or general election or at a special election called and held for such purpose. Any such special election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto.":

And renumbering the sections accordingly:

On page 2, by striking all in line 22; following line 22, by inserting the following:

"Sec. 6. K.S.A. 19-3505 is hereby amended to read as follows: 19-3505. (a) Except as otherwise provided by this section, the governing body of any water district to which this section applies shall be a five-member board holding positions numbered one to five, inclusive. Each member shall be elected and shall hold office from May December 1 following such member's election until April 30 November 30, four years thereafter and until a successor is elected and has qualified.

The first election of members of the governing body of any water district ereated after the effective date of this act shall be held on the first Tuesday in August of any even-numbered year, at which time members shall be elected for terms beginning on September 1 of the same year, and ending on April 30 of the third year following the beginning of such term, to positions numbered three, four and five. At such first election, members shall be elected for terms ending on April 30 of the first year-following the beginning of such terms, to positions numbered one and two. Members first elected to positions one and two shall have terms of approximately eight months. Elections shall be thereafter held on the first Tuesday following the first Monday in November in April of each odd-numbered year of each even-numbered year for the member positions whose terms expire in that year.

- (b) From and after April 30, 1991, the governing body of the water district shall be composed of seven members. At the election held in 1991, positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the election in 1993, positions numbered 3, 4 and 5 shall be elected to four-year terms.
- (c) Elections shall be held on the first Tuesday following the first Monday in November in April of each odd-numbered year of each even-numbered year for the positions which terms expire in that year. Members shall hold office from May-December 1, following such member's election until April 30 November 30, four years

thereafter and until a successor is elected and qualified. All elections shall be nonpartisan and shall be called and conducted by the county election officer. Laws applying to other local elections occurring at the same time and in the same locality shall apply to elections under this act to the extent that the same can be made to apply.

- (d) Following each election the board shall organize and not later than the second regular meeting following each election shall select from among its members a chairperson and a vice-chairperson. The vice-chairperson shall preside over any meetings at which the chairperson is not present. Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members. All members shall take an oath of office as prescribed for other public officials. The members of the board shall be qualified electors in the water district. Prior to accepting office, the water district shall obtain for each member-elect a corporate surety bond to the state of Kansas in the amount of \$10,000, conditioned upon the faithful performance of the member's duties and for the true and faithful accounting of all money that may come into the member's hands by virtue of the office. Such bonds shall be filed in the office of the county clerk for the county in which the major portion of such water district is located after approval by the board of county commissioners of such county.
- (e) Each member of the board shall receive a monthly salary in an amount determined by the board and shall be reimbursed for all necessary and reasonable expenses incurred in performing official assigned duties.
- Sec. 7. K.S.A. 19-3507 is hereby amended to read as follows: 19-3507. (a) The water district election shall be held in each election precinct, a part or all of which is located within such water district, except that if no other election is being held in a given election precinct on the same date as the water district election, the countyelection officer may provide one or more convenient voting places where the waterdistrict electors of such precinct may vote, which may be a voting place located in another precinct. The county election officer shall designate such voting places and the persons entitled to vote thereat in the election notice. The county election officer shall make a report in writing to the board of county commissioners of such election precincts and voting places, which report shall be filed with the county clerk of the county or counties in which such precincts and voting places are located and an entry thereof made upon the journal of the board or boards of county commissioners of such county or counties and if any change shall be made in such voting precincts and voting places by the county election officer, the same shall in like manner be reported to the board or boards of county commissioners, filed and entered as aforesaid. The polls for any election held under this act shall be open between the hours of 7:00 7 a.m. and 7:00 7 p.m.
- (b) All qualified persons desiring to be voted upona candidate for a position as a member of such board shall file a declaration of candidacy as provided in K.S.A 25-205 and amendments thereto, on or before 12:00 o'clock 12 noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of the year in which the election is being held, which date shall be stated in the publication notice of the election, file with the county election officer, with a statement directing suchthe officer to place suchthe person's name on the ballot as a candidate for member of the board of the water district in suchthe election, indicating the number of the position for which suchthe person is filing. No candidate shall be permitted to withdraw as a candidate after the deadline for filing such statements of candidacy. There shall be no primary election for

members of the water district board. The county election officer shall publish names of all candidates in a newspaper of general circulation within the water district not less than 10 days before such election. The county election officer shall provide for use of voting machines or printed ballots in each election precinct or voting place. Where printed ballots are prepared, the same shall be done at the expense of the water district. The names of candidates for each member position shall be rotated on the ballots in such a manner that each candidate shall be given an equitable opportunity to have such candidate's name appear first on the ballot. Where the only election being conducted in an election precinct or voting place is the water district election, the cost of providing judges and clerks in such precinct or voting place shall be borne entirely by the water district, but where held in conjunction with other elections, the cost shall be prorated in the manner provided by article 22 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto

- (c) At least five days before any election, the county election officers of the various counties within which a portion of such district is located, in cooperation with the water district board, shall determine the voting areas where no other elections will be held in conjunction with the water district and the names of all qualified electors residing in the water district and located in such precincts and shall determine the election precincts which contain only a part of the water district and the names of all qualified electors residing in the water district and in such election precincts. A list of the qualified electors determined as hereinbefore provided shall be furnished by the county election officer to the judges of the voting precincts or voting places where such electors are entitled to vote.
- (d) Qualified electors of any election precinct, the entirety of which is within the water district, shall be entitled to vote in such precinct and a separate list of their names need not be furnished.
- (e) A voter shall not be eligible to vote in any election precinct other than the one in which such person resides unless no election is being held in such precinct, in which event, such voter shall be entitled to vote in the voting place designated by the county election officer.
- (f) Such list furnished by the county election officer to the judges of each precinct shall be conclusive at all elections, except that one desirous of voting, whose name does not appear on such list, may proceed to the county election officer of the county and such officer may administer oaths and affirm witnesses to determine the right of anyone to vote who may claim erroneous omission from such list, and if such officer issues a certificate entitling the voter to vote, such certificate shall be accepted by the judges and clerks of the election. The list so furnished by the county election officer shall be conclusive at all elections held within the same year that the list is furnished.
- Sec. 8. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) Except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and An election shall be held eachevery four years thereafter, on the first Tuesday following the first Monday in November in April, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.
 - (b) An election to choose three directors in each district as their successors

shall be held on the Tuesday following the first Monday in November, 2012, and an election shall be held each four years thereafter, on the Tuesday following the first Monday in November, to choose directors. Any director elected in any district in 2009 shall hold such office until such successor is elected and qualified.

- Sec. 9. K.S.A. 2010 Supp. 24-459 is hereby amended to read as follows: 24-459. (a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-458, and amendments thereto, shall consist of three qualified persons as defined in paragraph (3) of subsection (e) of this section.
- (b) The directors for the first term after the incorporation of the drainage district shall be selected and designated in the petition for the incorporation of the district and shall be declared directors by the county commissioners to which the petition is presented.
- (c) The directors shall hold office until the first Tuesday in AprilDecember 1 of an even-numbered year next after the incorporation of the district, at which time and every four years thereafter directors shall be elected and shall hold their office for the term of four years and until their successors are elected and qualified.
- (d) Every qualified person of the district shall be entitled to vote at the election or at any election which may be held in the district.
 - (e) For the purposes of this section:
- (1) "Owner" or "person who owns land" means any person or entity who is the record owner of the fee in any real estate in the district or the fee in the surface rights of any real estate in the district, but the owners of an oil and gas lease, mineral rights or interest, easements or mortgages as such shall not be considered owners, and school districts, cemetery associations, and municipal corporations shall not be considered owners.
- (2) "Taxpayer" means any owner who has paid all taxes currently due on such real estate.
- (3) "Qualified person" means any taxpayer 18 years of age or older, whether a resident of the district or not. A taxpayer who is a qualified person and who is not an individual may designate an individual to cast its vote or to serve as a director of the district.
- (f) The county clerk shall determine the qualified persons entitled to vote at any election in the district. Any entity desiring to vote at an election shall register the name of its designated representative with the county election officer no later than 14 days in advance of any such election.
- Sec. 10. K.S.A. 2010 Supp. 24-506 is hereby amended to read as follows: 24-506. (a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto, shall consist of one person from each county in the district if the number of counties is odd, but if the number of counties is even, then there shall be an additional director at large. If the drainage district is located wholly within one county, the number of directors shall be three. Except as provided in subsection (b), the directors shall be freeholders who shall be residents of Kansas, whose lands in whole or in part are located within the district. The directors shall hold their offices for a term of four years and until their successors are elected and qualified. Elections to choose directors, except the first, shall be held on the first Tuesday following the first Monday in April November of an even-numbered year and every four years thereafter.

- (b) If there are no residents in the drainage district, any owner of land within the district shall be a qualified voter and shall be qualified to hold the office of director.
- Sec. 11. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.
- (b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.
- Sec. 12. K.S.A. 2010 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)(4) 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.
- $\frac{(7)(5)}{5}$ For any special election of officers, at such time as is specified by the secretary of state.
- (8)(6) 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 12:0012 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.

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 identifying 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.

- Sec. 13. K.S.A. 25-2006 is hereby amended to read as follows: 25-2006. (a) "General election" means the election held for school officers on the first Tuesday in April in any odd-numbered yearsucceeding the first Monday in November of even-numbered years, and in the case of special elections of any school officers to fill vacancies, the election at which any such officer is finally elected.
- (b) "Primary election" means the election held five weeks preceding the election on the first Tuesday in Aprilon the first Tuesday in August of even-numbered years, and any other preliminary election at which part of the candidates for special election to any school office are eliminated by the process of the election but at which no officer is finally elected.
- Sec. 14. K.S.A. 25-2007 is hereby amended to read as follows: 25-2007. (a) "Question submitted election" means any election at which a special question is to be voted on by the electors of the state or a part of them.
 - (b) "County election officer" means:
- (1) The election commissioner of the home county of the school district if such county has an election commissioner.
- (2) the county clerk of the home county of the school district if the county does not have an election commissioner.
- (3) the county clerk (or the election commissioner if there is one) of the county in which all or the greater part of the population is located in the case of a nonunified school district. In the event that doubt exists concerning which public officer is the county election officer under this subpart, the secretary of state shall specify such officer and such specification shall be conclusive.
- (c) "Filing deadline" means the <u>deadline established in K.S.A. 25-205, and amendments thereto</u> hour, date or time after which it is provided by law no person may become a candidate for election to public office; for school elections the filing deadline is 12:00 o'clock12 noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year.
- Sec. 15. K.S.A. 25-2010 is hereby amended to read as follows: 25-2010. Election of board members and question submitted elections shall be conducted by the county election officer of the home county of the school district. Board member general elections shall be held on the first Tuesday in April of each odd-numbered-yearsucceeding the first Monday in November of even-numbered years. If a primary election is required to be held, such primary election shall be held on the Tuesday preceding by five weeks the first Tuesday in April of odd-numbered first Tuesday in August of even-numbered years.
- Sec. 16. K.S.A. 25-2018 is hereby amended to read as follows: 25-2018. (a) Notices of board member elections and question submitted elections of a school district shall be made as provided in this section.
- (b) On or before <u>January June</u> 15, the county election officer shall publish a notice of election one time in a newspaper having general circulation in the school district. The notice for board member elections shall state (1) the name of the school district, (2) the date of the general election, (3) the date of the primary election if one is held, (4) the filing deadline and the place of filing, and (5) the offices or positions to be filled.
 - (c) All notices provided for by this section shall be given in the form

prescribed by the secretary of state to the extent that any notice or part thereof is prescribed by the secretary of state. The provisions of this section shall not be construed to require the secretary of state to prescribe any particular form.

- (d) Not less than six weeks prior to the first Tuesday in Aprilin August of any even-numbered year a notice of primary elections shall be published by the county election officer in a newspaper having general circulation in the school district, if a primary election is required to be held. The publication shall be made one time and shall state (1) the name of the school district, (2) the date of the primary election, (3) the names of the candidates and the office or position for which each is a candidate, (4) the voting place or places and the area each voting place is to serve, (5) the times of opening and closing of the polls. Description of areas shall be in the terms determined by the county election officer.
- (e) Not less than three days prior to the first Tuesday in April in August in any even-numbered year a notice of the general election shall be published by the county election officer one time in a newspaper having general circulation in the school district. The notice shall state (1) the name of the school district, (2) the date of the general election, (3) the names of the candidates and the office or position for which each is a candidate, (4) the voting place or places and the area each voting place is to serve, (5) the time of opening and closing of polls. Description of areas shall be in such terms as may be determined by the county election officer.
- (f) Notice of any question submitted election of any school district shall be made in the manner provided by K.S.A. 10-120, and amendments thereto. The notice shall state (1) the name of the school district, (2) the date of the election, (3) the amount of bonds to be issued, if a bond election, (4) the proposition to be voted upon, (5) the hours of opening and closing of the polls, (6) the voting place or places and the area each voting place is to serve, and (7) any other information specifically required by law. Description of areas shall be in the terms determined by the county election officer.
- Sec. 17. K.S.A. 25-2023 is hereby amended to read as follows: 25-2023. (a) Except as provided in subsection (b), each board member shall qualify by filing an oath of office with the election officer not later than ten (10)10 days following the date of the election, or not later than five (5) days after issuance of such member's certificate of election, whichever is the later date. Each board member shall take office on the July 1 following the general school election. Each member elected to a board of education shall hold office until a successor is elected or appointed and qualified and shall serve for a term of four (4) years.
- (b) Board members elected in 2009 shall hold office until successors are elected and qualified in 2012. Board members elected in 2011 shall hold office until successors are elected and qualified in 2014.
- Sec. 18. K.S.A. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.
- (b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are

eliminated by the process of the election but at which no officer is finally elected.

- Sec. 19. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) Except as provided in subsection (b), there shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April August of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.
- (b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.
- Sec. 20. K.S.A. 25-2109 is hereby amended to read as follows: 25-2109. The filing deadline for all city elections shall be <u>as provided in K.S.A. 25-205 and amendments thereto 12:00 o'eloek12 noon of the Tuesday preceding by 10 weeks the first Tuesday in April.</u>
- Sec. 21. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than January 1-May 15 of every year that such city has a city election.
- Sec. 22. K.S.A. 25-2120 is hereby amended to read as follows: 25-2120. (a) The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. Except as provided in subsection (b), the term of office shall commence with and include the first regular meeting of the governing body following certification of the election.

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and every such oath or affirmation shall be filed with the city clerk.

- (b) (1) Each member of the governing body and city official, the starting date of whose term of office is governed by this section and who is elected in 2011, shall hold office until the first regular meeting of the governing body following the certification of the election in 2012.
- (2) The term of each city official, the starting date of whose term of office is governed by this section and who is elected in 2012, shall commence with and include the first regular meeting of the governing body following the certification of the election.
- Sec. 23. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:
- (1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;
- (2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is

otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

- (3) the 14 days preceding the day of primary and general state elections;
- (4) the 14 days preceding the day of primary city and school elections, if either has a primary;
- (5) the 14 days preceding each first Tuesday <u>following the first Monday</u> in <u>April of odd-numbered yearsNovember of even-numbered years</u>, being the day of city and school general elections;
- (6) the 14 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and
- (7) the day of any primary or general election or any question submitted election.
- (b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.
- (c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.
- (d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 9 p.m. in cities of the first and second class.
- (e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 15th day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 15th day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.
- (f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.
- (g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.
- Sec. 24. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.
 - (b) "Primary election" means the election held on the first Tuesday in

August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, township, city or school office are eliminated by the process of the election but at which no officer is finally elected.

- Sec. 25. K.S.A. 25-3503 is hereby amended to read as follows: 25-3503. (a) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ninety (90)90 days and not less than thirty (30)30 days before any primary election of state officers, the election provided for in this act shall be held on the same date as the primary election of state officers.
- (b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than ninety (90) days and not less than thirty (30) days before any regular primary or general election of city and school officers occurring in an odd-numbered year, the election provided for in this act shall be held within such ninety (90) days and on the same date as such primary or general election.
- (e) (b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than thirty (30)30 days before any primary election of state officers and before the general election of state officers, at such general election votes cast for the office of congressman in the district in which such vacancy has occurred shall be deemed to be cast to fill the vacancy for the unexpired term, as well as for the election for the next regular term. The governor shall proclaim the date of the election to be the same as the general election of state officers.
- (d) (c) In the event that any vacancy occurs to which this act applies, on or after the date of any general election of state officers and before the term of office in which the vacancy has occurred expires, votes cast for the office of congressman in the district in which such vacancy occurs shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term. The governor's approval of this act shall be deemed to proclaim that every regular election of a representative to the United States congress shall be an election for the unexpired term if any should occur, as well as election for the next regular term. In cases to which subsection (e) of this section(b) or this subsection applies, the person elected for the next regular term shall be deemed to have been elected for the balance of the unexpired term also.
- Sec. 26. K.S.A. 2010 Supp. 42-706 is hereby amended to read as follows: 42-706. (a) The officers of such district shall be a board of directors consisting of three members who shall be persons entitled to vote as provided in subsection (h) and residents of a county in which the district or a portion thereof is located, or county adjoining a county in which such irrigation district or a portion thereof is located. Such members shall hold office for a period of three years, and each shall serve until a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (e) or (f) of this section except that the terms of the three directors shall be as provided in subsection (e) of this section.
- (b) The chief engineer of the division of water resources, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such

election within 60 days after the date of incorporation. In any irrigation district of more than 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and the board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

- (c) The board of directors of every district of more than 35,000 acres which was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election held after the effective date of this act, a director shall be elected from each voting area and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. At each subsequent election, only one director shall be elected each year for a term of three years. Any director elected under this provision must be a person entitled to vote as provided in subsection (h).
- (d) (1) Except as provided in paragraph (2), all elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Advance voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection (h). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120, and amendments thereto, and the applications for advance ballots as provided in K.S.A. 25-1122d, and amendments thereto, shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The county election officer shall canvass the ballots, verify the results and declare the person receiving the highest number of votes duly elected as director except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the population of the irrigation district is located shall declare the three persons receiving the highest number of votes duly elected as directors except that in districts divided into three voting areas, the person receiving the highest number of votes in each voting area

shall be duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director, a certificate of election signed by such officer. The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials. Each member of the board of directors shall execute an official bond in the sum of \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to 125% of the amount, as near as can be ascertained, that shall be in such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by the county election officer. Upon approval of the bond, the county election officer shall endorse such approval thereon and file the same in the office of the county election officer and shall immediately notify the county treasurer of the county in which the registered office of the irrigation district is located of such approval and filing. In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection (h) may cause such suit to be instituted. Premiums on surety bonds for such directors and treasurers of irrigation districts shall be paid by the district out of its general funds. In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term such person was appointed to fill.

- (2) For any election except the election required in subsection (b), the board of directors may adopt a procedure providing for the election of members by mail ballot. Such procedure shall require the board to mail ballots to all persons entitled to vote, to receive and tabulate the ballots, to canvass the election and to certify the results to the county election officer. The irrigation district shall be responsible for the direct expenses of conducting the election. The ballot envelope used for mailing ballots shall contain a declaration establishing that the person who signs the declaration is a qualified owner of irrigable land within the district.
- (e) All regular elections of directors of irrigation districts shall be held the first Tuesday in Marchin August if a primary is needed, otherwise the elections shall be held on the Tuesday following the first Monday in November of even-numbered years, except as provided by subsection (g). Any districts organized after the regular MarchNovember election shall hold its their election at the next regular MarchNovember election following incorporation of the district and, at this election three directors shall be elected and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. In case the first election after creation of a district is held between June 1 of any year and the day preceding the first Tuesday following the first Monday in November in March of the next succeeding

even-numbered year, the next regular MarchNovember election shall be held in the second succeeding even-numbered year. At each subsequent regular election, only one director shall be elected each year for a term of threefour years. All persons desiring to be voted upon as directors shall at least 30 days before the day of holding of the elections, file such person's name with the county election officer of the county in which all or the greater part of the population of the irrigation district is located, affixed to a statement that such person desires such person's name to be placed on the ticket as a candidate for member of board of directors of the district in such election. The county election officer shall make up the ticket, at expense of the irrigation district, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. At least five days before any election held subsequent to first election of directors, the boards of directors shall name and appoint three persons for each voting place, who shall be qualified electors in the district. At least five days before any election, the county clerks of the various counties within which a portion of the district is located, shall cause to be ascertained the names of all persons entitled to vote as provided in subsection (h) and shall furnish lists thereof to each election board within such county and to the secretary of the board of directors of the district. Notice of the time and places of holding of the election, signed by the president and attested by the secretary of the district, shall be given in some newspaper or newspapers of general circulation in the district for one issue at least five days prior to date of the election. The return of all special or bond elections shall be made to the secretary of the district, and canvassed by the board of directors. All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

- (f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection (h) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in March August, except as provided by subsection (g). Notice of the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least 30 days prior to date of such meeting. Elections at the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) of this section. All persons desiring to be voted upon as director shall at least 30 days before the day of holding the annual meeting file such person's name with the secretary of the board of directors of the district, affixed to a statement that such person desires such person's name to be placed on the ballot as a candidate for member of board of directors of the district. The board of directors shall appoint three owners of irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting, the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.
 - (g) In any case where the time for any regular election of directors as

described in subsection (e), or the election as described in subsection (f), is the same for any two districts having the same district manager, such election shall be held on the first Wednesday following the first Tuesday in March August by the district organized latest in time.

(h) Until such time as assessments are made in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

After lands have been assessed in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of such person's land. As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

- Sec. 27. K.S.A. 71-1413 is hereby amended to read as follows: 71-1413. (a) Except as provided in subsection (b), elections of trustees of community colleges shall be conducted by the county election officer of the county in which the main campus of the college is located. In any college district having territory in more than one county, the county election officers of all such counties shall cooperate with the county election officer of the county in which the main campus is located, and upon establishing any new community college or adding territory to any of the community college districts, the state board, in accordance with this section, shall specify the county in which the main campus shall be located for the purpose of this section. General community college elections shall be held on the first Tuesday in April of each odd-numbered year. Any primary community college election shall be held on the Tuesday preceding by five weeks the first Tuesday in April of odd-numbered years.
- (b) On and after July 1, 2012, general community college elections shall be held on the Tuesday following the first Monday in November of each even-numbered year. Any primary community college election shall be held on the first Tuesday in August of each even-numbered year.
- Sec. 28. K.S.A. 71-1414 is hereby amended to read as follows: 71-1414. (a) (1) In college districts where a district method of election is in effect, a person may become a candidate for election to trustee of a community college by any one of the following methods:
- (A) Any person who is an elector of any member district may petition to be a candidate for member from the member district in which such person resides. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in such person's member district.
 - (B) Any person who is an elector of any member district may become a

candidate for member from the member district in which such person resides by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.

- (C) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may petition to be a candidate for the at-large member position. Any such person shall file with the county election officer a petition for such candidacy signed by not less than 50 electors residing in such college district.
- (D) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may become a candidate for the at-large member position by filing with the county election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.
- (2) Every petition or declaration of intent filed under this subsection must specify the member position for which the person is a candidate.
- (b) In college districts where the election-at-large method of election is in effect, a person may become a candidate for election to trustee of a community college by either one of the following methods:
- (1) Any person who is an elector of the college district may petition to be a candidate for trustee. Any such person shall file with the election officer a petition for such person's candidacy signed by not less than 50 electors residing in the college district.
- (2) Any person who is an elector of the college district may become a candidate for trustee by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$5.
- (c) Every petition or declaration of intent filed <u>as provided in K.S.A. 25-205</u>, and amendments thereto, under this section must be filed on or before 12 o'clock noon on the Tuesday which precedes by 10 weeks the first Tuesday in April of any odd-numbered year. No such petition or declaration shall be filed sooner than the second Tuesday of the December which next precedes the community college election."

Also on page 2, in line 22, by striking "Sec. 2." and inserting "Sec. 29. K.S.A. 2-623, 2-624, 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 14-201, 24-459, 24-506, 25-1122, 25-2108a and 42-706 are hereby repealed.";

Also on page 2, in line 23, by striking "3." and inserting "30."

On page 1, in the title, in line 1 by striking "relating to extension districts; amending"; in line 2, by striking "K.S.A. 2-624 and repealing the existing section" and inserting "relating to certain municipalities; amending K.S.A. 2-623, 2-624, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2010, 25-2018, 25-2023, 25-2102, 25-2010, 2

2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 24-459, 24-506, 25-1122, 25-2108a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038 and 25-2107 and K.S.A. 2010 Supp. 14-201";

Also, on motion of Rep. Schwab, **HB 2080** be amended on page 2, following line 21, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 12 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act, except that in 1998, candidates for judge or district magistrate judge of the district court for positions ereated in 1998 in those judicial districts that have not approved theproposition of nonpartisan selection of judges of the district court shall have filed in their behalf, not later than 12:00 noon, July 1, 1998, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

(0)	rommation p	cutions sharr be in substantially the for	io wing rollin.
I, the	undersigned,	an elector of the county of	, and state of
Kansas, and a	duly registere	ed voter, and a member of	party, hereby
nominate		who resides in the township of	(or at
number	on	street, city of), in the county
of	and stat	te of Kansas, as a candidate for the of	fice of (here specify
the office)		, to be voted for at the primary election	on to be held on the
first Tuesday in August in		, as representing the principles of such	
party; and I fur	ther declare th	nat I intend to support the candidate her	ein named and that I
have not signed	and will not	sign any nomination petition for any or	ther person, for such
office at such p	rimary election	n.	
		(HEADING)	

(HEADING)

Name of Street Number Name of Date of Signers. Or Rural Route (as registered) City. Signing.

All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for

the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

- (d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.
- (e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:
- (1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;
- (2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto:
- (3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and
- (4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.
- (f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.
- (g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:
- (1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the

current voter registration of the party designated in the district as compiled by the office of the secretary of state.

- (2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:
 - (A) For the office of representative in the United State congress.......1,000 registered voters;
 - (B) for the office of member of the state board of education......300 registered voters;
 - (C) for the office of state

senator......75 registered voters; and

(D) for the office of state

- (h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:
- (1) If new boundary lines are defined and districts established in the manner prescribed by law on or before June May 10, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12:00 12 noon on June 24 10, or if such date falls on a Saturday, Sunday or a holiday, then before 12:00 12 noon of the next following day that is not a Saturday, Sunday or holiday.
- (2) If new boundary lines are defined and districts established in the manner prescribed by law on or after <u>June May</u> 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be <u>12:00_12</u> noon on <u>July 12 June 18</u>, or if such date falls on a Saturday, Sunday or holiday, then before <u>12:00_12</u> noon of the next day that is not a Saturday, Sunday or holiday.";

And by renumbering sections accordingly;

Also on page 2, in line 22, by striking "is" inserting "and K.S.A. 2010 Supp. 25-205 are";

On page 1, in the title, in line 1 by striking "relating to extension districts;"; in line 2, after "and" by inserting "K.S.A. 2010 Supp. 25-205 and"; also in line 2 by striking "section" and inserting "sections"; and **HB 2080** be passed as a amended.

Committee report to **HB 2067** be adopted; also, on motion of Rep. Gregory be amended on page 23, following line 18, by inserting:

"Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as follows: 25-2320. (a) The county election officer shall allow access to any person at any time during regular business hours, under supervision of the county election officer for the purpo of examining the voter registration books, active voter lists and other lists of voters required to be kept. Any person may make a written request for a copy of the registration books at any time except on any election day. The election officer is hereby directed to provide one or more copies which are accurate insofar as practicable of such books to the person so requesting. The election officer shall provide such copies to the person within 10 days following the request if so requested. The expense of making such copies shall be paid by the person requesting them. The cost of copies shall be

established by the county election officer at a price which is not more than the actual cost and shall be set uniformly in order that the price therefor shall be the same for all persons requesting identical copies.

(b) No voter registration record shall be made available for public inspection or copying unless the individual's social security number, <u>driver's license number</u>, <u>nondriver's identification card number</u> or any part thereof, has been removed or otherwise been rendered unreadable":

And by renumbering sections accordingly;.

On page 34, in line 6, after "25-2309," by inserting "25-2320,";

On page 1, in the title, in line 4, after "25-2309," by inserting "25-2320,"; and **HB 2067** be passed as a amended.

Committee report recommending a substitute bill to **Sub. HB 2188** be adopted; and the substitute bill be passed.

Committee report to **HB 2269** be adopted; also, on motion of Rep. Aurand, **HB 2269** be amended on page 4, in line 1, by striking "\$4,991: and inserting "\$4,200";

Also, on motion of Rep. Otto to refer **HB 2269** to Committee on Appropriations, the motion prevailed; and the bill be referred to Committee on Appropriations..

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2365, AN ACT concerning taxation; imposing excise tax on the transmission of money by money transmitters; prescribing rate of taxation; procedures; distribution of revenue; amending K.S.A. 2010 Supp. 9-508 and repealing the existing section, by Committee on Taxation.

MESSAGE FROM THE SENATE

Announcing adoption of SCR 1605.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SCR 1605.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced the referral of **SCR 1605** to Committee of the Whole.

REPORT ON ENGROSSED BILLS

HB 2015, HB 2031, HB 2035, HB 2042, HB 2119, HB 2122, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329 reported correctly engrossed February 24, 2011.

On motion of Rep. Siegfreid, the House adjourned until 9:00 a.m., Friday, February 25, 2011.

Journal of the House

THIRTY-SECOND DAY

Hall of the House of Representatives, Topeka, KS, Friday, February 25, 2011, 9:00 a.m.

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

The roll was called with 120 members present.

Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

Rep. Peterson and Wetta were excused on excused absence by the Speaker.

Rep. Bethell was excused later in the day on excused absence by the Speaker.

Prayer by Rep. Phelps:

Almighty God, join us today as we end another week of the session and keep us mindful of those we serve. As legislators it is easy for us to think that we can control every problem that Kansans face. Sometimes it takes six inches of snow to remind us that we are not in control, and during session six inches of snow is the perfect event to slow us down and cool our spirits. Help us to remember those that don't have the benefit of a warm home when it is cold outside. In our deliberations help us to see the other side of the story. Help us to extend calming peace to each other as we leave to return to our loved ones. Lord, please be with our colleagues as they overcome the challenges of injury, health setbacks and loss of family members.

In your most holy and precious name we pray, Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

Kansas Trivia Question – Julius Wayland moved to Girard in 1896, bringing his national newspaper with him. Between 1900 and 1910 the circulation reached a half-million, making Girard one of the busiest post offices in Kansas. What was the name of Wayland's paper?

Answer: Appeal to Reason

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: SB 122, SB 186, SB 188.

Corrections and Juvenile Justice: SB 6, SB 63. SB 176.

Education: SB 33, SB 143. SB 155.

Elections: SB 67, SB 126, SB 129, SB 145.

Health and Human Services: SB 76, SB 100, SB 133, SB 139.

Insurance: SB 170, SB 179.

Judiciary: SB 9, SB 74, SB 79, SB 83, SB 93, SB 104, SB 135, SB 160.

Local Government: SB 119, SB 150. Taxation: HB 2365; SB 59, SB 61.

Transportation: SB 120.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2319** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Davis, **HCR 5021**, A Concurrent Resolution relating to the adjournment of the senate and house of representatives for periods during the 2011 regular session of the legislature, was adopted.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Kinzer in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2125** be passed.

SCR 1605 be adopted.

Sub. HB 2221 be passed over and retain a place on the calendar.

Committee report to **HB 2195** be adopted; and the bill be passed as a amended.

Committee report to **HB 2240** be adopted; also, on motion of Rep. Huebert be amended on page 2, following line 33, by inserting "New Sec. 4. (a) There is hereby created the cemetery maintenance and merchandise fee fund in the state treasury. The secretary of state shall remit all moneys received from fees and charges under this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cemetery maintenance and merchandise fee fund.

(b) All expenditures from the cemetery maintenance and merchandise fee fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or by a person or persons designated by the secretary.";

On page 6, following line 11, by inserting "(i) Fees not to exceed \$30 may be charged and collected by the secretary of state on each preneed merchandise contract for preneed cemetery merchandise, preneed burial products or services sold on or after January 1, 2011. Any such fees shall be forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary. The secretary of state shall promulgate rules and regulations fixing the fees to be charged and collected. On and after the effective date of this act any such fees collected shall be deposited in the cemetery maintenance and merchandise fee fund in the state treasury.";

On page 17, following line 2, by inserting "(g) Fees not to exceed \$30 may be charged and collected by the secretary of state on each interment sold on or after

January 1, 2011. Any such fees shall be forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary. The secretary of state shall promulgate rules and regulations fixing the fees to be charged and collected. On and after the effective date of this act any such fees collected shall be deposited in the cemetery maintenance and merchandise fee fund in the state treasury.";

And by renumbering sections accordingly; and HB 2240 be passed as amended.

Committee report to **HB 2194** be adopted; also, on motion of Rep. McLeland be amended on page 2, in line 28, following "agency" by inserting ", including the board of regents and any postsecondary educational institution,";

On page 10, in line 11, by striking all following "sections" and insering "9 through 11, and":

Also, on motion of Rep. D. Gatewood to amend **HB 2194**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2312** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 38, by striking "corporation" and inserting "company"; in line 39, by striking "corporation" and inserting "company".;

Also, on motion of Rep. Colloton, **HB 2312** be amended on page 9, in line 21, following "minor" by inserting "unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer";

Also, on further motion of Rep. Colloton, **HB 2312** be amended on page 3, in line 5, by striking "not" and inserting "under"; by striking "or more"; and following "age" by inserting "and whose parents or legal guardians would be ineligible to receive a scrap metal license for any reason"; and the bill be passed as a amended.

Committee report recommending a substitute bill to **Sub. HB 2271** be adopted; also, on motion of Rep. Brookens be amended on page 4, in line 22, by striking "shall" where it appears for the second time and inserting "may";

On page 7, in line 39, by striking "In the case of a continuing offense, each day the"; in line 40, by striking "violation continues may be deemed a separate violation."; and **Sub. HB 2271** be passed as amended.

Committee report to **HB 2139** be adopted; also, on motion of Rep. O'Neal be amended on page 1, following line 6, by inserting "New Section 1. (a) Notwithstanding the provisions of K.S.A. 44-576, and amendments thereto, the state fair board is hereby authorized to purchase workers compensation insurance. Any contract for the purchase of workers compensation insurance entered into by the state fair board shall be purchased in the manner prescribed for the purchase of supplies, materials, equipment and contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of \$500 shall be purchased on the basis of sealed bids. Such contract shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2010 Supp. 75-4125, and amendments thereto.

- (b) If the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), from and after the end of the payroll period in which such workers compensation policy takes effect, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments thereto, and the director of accounts and reports shall cease to transfer any amounts for such self-assessment for the state fair board pursuant to such statute.
 - (c) Notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if

the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), the state workers compensation self-insurance fund shall not be liable for any compensation claims under the workers compensation act relating to the state fair board and arising during the term of such contract, or for any other amounts otherwise required to be paid under the workers compensation act during the term of such contract.

(d) The state fair board shall notify the secretary of administration and the Kansas health policy authority of the effective date of any workers compensation policy acquired pursuant to this section.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2 after the semicolon by inserting "authorizing the state fair board to purchase workers compensation insurance;"; and **HB 2139** be passed as amended

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **Sub. HB 2221** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2234**, **HB 2248** from Committee on Appropriations and rereferral to Committee on Education Budget.

Also, the withdrawal of **HB 2152**, **HB 2173** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2034, AN ACT concerning traffic regulations; relating to maximum speed limits on certain separated multilane highways; violations; amending K.S.A. 2010 Supp. 8-1558, 8-1560c and 8-1560d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 23; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Mah, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, B. Wolf, Worley.

Nays: Aurand, Ballard, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grange, Grant, Henry, M. Holmes, Loganbill, Meier, Patton, Phelps, Ruiz, Swanson, Victors, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Mast, Peterson, Wetta, K. Wolf. The bill passed, as amended.

HB 2067, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2908, 25-3002 and 65-2418 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 83; Nays 36; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, Williams, B. Wolf, Worley.

Nays: Aurand, Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Roth, Ruiz, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: **HB 2067** is not the voter protection act that Kansans want or need. It introduces the concept of "provisional" registration. At best, provisional registration will be difficult for voters to understand. At worst, it will bring a virtual end to grassroots voter registration in Kansas. The bill makes requirements for voter identification at the polls with no provision for free identification for all Kansans who need one. In essence, it has a poll tax. Further, there is no mention of voter education and no accounting for the millions it will cost to implement. Voter education was a key requirement of the courts approving voter identification in other states. Voter legislation should make it easy to vote and hard to cheat. This bill does neither. I vote no on **HB 2067.**—Ann E. Mah, Tom Burroughs, Stan Frownfelter, Janice L. Pauls, Bill Feuerborn, Annie Tietze, Ed Trimmer, Valdenia c. Winn, Melanie meier, Barbara W. Ballard, Eber Phelps, Sydney Carlin, Sean Gatewood, Melody mcCray-Miller, Bob Grant, Gail Finney

Sub. HB 2069, AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers or health care administrators not admissible as evidence of an admission of liability or as evidence of an admission against interest, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Kuether.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

HB 2075, AN ACT concerning the insurance department's criminal anti-fraud division; extending the exception from disclosure of records under the open records act; repealing K.S.A. 2010 Supp. 40-2,118, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf. The bill passed.

HB 2076, AN ACT concerning insurance; relating to municipal pools; amending K.S.A. 12-2620 and K.S.A. 2010 Supp. 12-2618 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy,

Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2077, AN ACT concerning worker's compensation; relating to group-funded pool filings to the insurance commissioner; amending K.S.A. 2010 Supp. 44-584 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf. The bill passed.

HB 2080, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 2-624, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 24-459, 24-506, 25-1122, 25-2108a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12

1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038 and 25-2107 and K.S.A. 2010 Supp. 14-201, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Brown, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Henderson, Henry, Hill, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mesa, Moxley, Otto, Pauls, Phelps, Proehl, Roth, Ruiz, Schroeder, Slattery, Sloan, Smith, Spalding, Tietze, Trimmer, Tyson, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXLANATION OF VOTE

Mr. Speaker: When the November 2012 election takes place,, and long lines at the polls make voters angry, or the local governments must purchase more voting machines, the voters of Kansas will have no reason to call me. I vote no on **HB 2080**.--BILL OTTO

HB 2101, AN ACT concerning the courts; relating to the court of appeals; appointment of judges; amending K.S.A. 20-3006 and 20-3010 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 53; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bollier, Bowers, Brookens, Burroughs, Carlin, Carlson, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson,

Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2105, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2120, AN ACT establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other agencies; amending K.S.A. 2010 Supp. 75-2973 and 75-4319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 40; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Mast, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Worley.

Nays: Alford, Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, O'Hara, Otto, Pauls, Phelps, Roth, Ruiz, Schwab, Slattery, Tietze, Trimmer,

Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2128, AN ACT concerning elections; relating to public service advertisements by candidates, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

Sub. HB 2135, AN ACT concerning certain employees; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 44-703, 44-766 and 79-3234 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 34; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Ruiz, Schwab, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf. The substitute bill passed.

EXPLANATIONS OF VOTE

Mr. Speaker: I vote "no" on **HB 2135** because I believe we should not encourage businesses to hire illegal workers. The State of Kansas should not make it easier for criminals to break our laws, even if those criminals are businesses. Passing **HB 2135** will make it harder to prosecute our laws and will cost our state millions of dollars over the next few years. White collar crimes are still crimes, and I believe in the rule of law. Therefore I vote no.--Mike Slattery, Sean Gatewood, Annie Kuether, Judith Loganbill, Kathy Wolfe Moore, Gail Finney, Ann E. Mah, Sydney Carlin, Melody McCray-Miller, Valdenia C. Winn, Geraldine Flaharty, Ed Trimmer, Stan Frownfelter, Bob Grant, Jerry Williams, Eber Phelps, Barbara W. Ballard, Melanie Meier, Broderick Henderson, Harold Lane, Nile Dillmore, Annie Tietze, Bill Feuerborn, Paul Davis

Mr. Speaker: **HB 2135** protects private information by limiting the data shared between the Department of Revenue and the Department of Labor. This information is currently not protected in law. This legislation defines misclassification by mirroring federal law and increases fines for multiple offenses. I vote yes on **HB 2135.**--Anthony R. Brown, Brett Hildabrand, Caryn Tyson, John Rubin, Jana Goodman, Randy Garber, Connie O'Brien, Mario Goico, Rick Billinger, Terry Calloway, Reynaldo Mesa, Willie Prescott, Greg Smith, Mike Burgess, Brian Weber, Joe Seiwert, Owen Donohoe, Peggy Mast, Charlotte O'Hara, J. David Crum, Kasha Kelley, TerriLois Gregory

HB 2147, AN ACT concerning adult care homes, relating to the definition of a home plus residence or facility; amending K.S.A. 2010 Supp. 39-923 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Davis, Dillmore, Feuerborn, McCray-Miller, Ruiz, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf. The bill passed.

Sub. HB 2188, AN ACT concerning legislative bills; relating to fiscal notes and resolutions; amending K.S.A. 75-3715a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

Sub. HB 2191, AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Brown, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, O'Hara, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Speaker: I vote No on **Sub. HB 2191** because our priority should be for quality education for the students, not job protection for the teacher. — Geraldine Flaharty, Harold Lane

HB 2196, AN ACT concerning rules of evidence; relating to the civil commitment of sexually violent predators; amending K.S.A. 59-29a06 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2258, AN ACT authorizing the secretary of social and rehabilitation services to convey certain real estate to the evangelical lutheran good samaritan society in Ellsworth county, Kansas, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2282, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Lane, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Powell, Prescott, Proehl, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brown, Carlin, Davis, Dillmore, Feuerborn, Frownfelter, Garber, D. Gatewood, S. Gatewood, Grosserode, Hildabrand, Huebert, Kelley, Kinzer, Kuether, Landwehr, Loganbill, Mah, Mast, McLeland, Meigs, Peck, Phelps, Pottorff, Rhoades, Roth, Ruiz, Schwab, Seiwert, Slattery, Swanson, Tietze, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: Having worked in the food and lodging industry for over 30 years. I understand the importance of **HB 2282**. The Department of Agriculture has requested an inspection fee increase for the protection and safety of Kansans.

However, just a few days ago the Kansas Highway patrol came before this body to request an inspection fee increase for the protection and safety of Kansans. That request was denied.

The Patrol, as one of our Public Safety agencies, is asked to do extraordinary things from disturbances in the Capitol to working in adverse weather conditions.

As a matter of principle, Mr. Speaker, I reluctantly vote no on HB 2282. – Vern Swanson

INTRODUCTION OF ORGINAL MOTIONS

On emergency motion of Rep. Siegfreid, pursuant to House Rule 2311, HB 2195, HB 2240, HB 2194, HB 2312; Sub. HB 2271; HB 2139, HB 2125; SCR 1605 were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2195, AN ACT concerning municipalities; establishing the organized collection service act, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Dillmore, Pottorff, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: S. Gatewood, Kelley, Meier, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2194, AN ACT creating the Kansas advisory council on privatization and public-private partnerships, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Kleeb, Knox, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Carlin, Cassidy, Davis, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Hill, Hineman, Kelly, Kerschen, Kuether, Landwehr, Lane, Loganbill, McCray-Miller, Meier, Mosier, Moxley, O'Hara, Otto, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schwab, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker, **I B 2194** is not on the Governor's road map, so, Mr. Speaker, I am a No on creating another commission.-- Bill Otto

HB 2312, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109 and 50-6,111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Bollier, Bowers, Brookens, Burgess, Collins, Colloton, Crum, Davis, DeGraaf, Fawcett, Flaharty, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Meier, Moxley, O'Brien, O'Neal, Osterman, Patton, Pauls, Pottorff, Powell, Prescott, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Swanson, Tietze, Vickrey, Victors, Winn, B. Wolf, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlin, Carlson, Cassidy, Denning, Dillmore, Donohoe, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, Grange, Grant, Grosserode, Hedke, Hildabrand, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Hara, Otto, Peck, Phelps, Proehl, Rhoades, Rubin, Scapa, Slattery, Suellentrop, Trimmer, Tyson, Ward, Weber, Williams,

Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: We oppose **HB 2312**. This bill does nothing to address the underlying theft and vandalism which is the real problem. What **HB 2312** does is restrict law abiding citizens in their pursuit to recapture some funds from their scrap material. The criminal will find ways around this regulation, while the law abiding citizen is once again stuck with the added burden added by the criminal's activities. Every gun advocate in the body who says gun laws only punish law abiding gun owners needs to consider the parallels to this situation. This is neither limited government nor less restrictive regulation. — Amanda Grosserode, Brenda K. Landwehr, Bob Montgomery, Dennis Hedke, J. Stephen Alford, Charlotte O'Hara, Brett Hildabrand, Tom Arpke, Jim Denning, Kelly Meigs, John Rubin

Mr. Speaker: This bill is well intentioned, and is close to being a good bill. But it is not a good bill. This will retroactively close existing businesses. I vote no on **HB 2312**. – Brian Weber

Sub. HB 2271, AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: Landwehr.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed, as amended.

HB 2139, AN ACT concerning insurance; relating to rates and rate modifications for workers compensation insurance; amending K.S.A. 40-2109 and K.S.A. 2010 Supp. 40-955 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: Brown, S. Gatewood, Kinzer, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2125, AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 22; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Carlson, DeGraaf, Grosserode, Hedke, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, Patton, Rubin, Scapa, Smith, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

SCR 1605, A Concurrent Resolution urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center, was

considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The resolution was adopted.

MESSAGES FROM THE SENATE

Announcing adoption of HCR 5021.

Also, announcing passage of SB 10, SB 112, SB 116, SB 124, SB 136, SB 177. SB 198.

Also, announcing passage of SB 1; Sub. SB 50; SB 212.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon read by title:

SB 1, SB 10; Sub. SB 50; SB 112, SB 116. SB 124, SB 136, SB 177, SB 198, SB 212.

REPORT OF STANDING COMMITTEE

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

Request No. 39, by Representative Mast, congratulating Timothy Duane Weaver on being awarded the Eagle Scout Award;

Request No. 40, by Representative Mast, congratulating Gabriel Ian Shaver on being awarded the Eagle Scout Award;

Request No. 41, by Representative Mast, congratulating Madison High School Football team on winning the 2010 1A State Football Championship;

Request No. 42, by Representative Rhoades, recognizing the Kansas Kidney Coalition for their contributions and recognizing March as National Kidney Month:

Request No. 43, by Representative Ballard, congratulating Bruce and Chris Linton

on their 65th wedding anniversary;

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

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

REPORT ON ENGROSSED BILLS

HB 2034, HB 2101, HB 2105, HB 2120, HB 2128, HB 2201, HB 2258, HB 2282 reported correctly engrossed February 25, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, March 2, 2011.

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 2, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 119 members present.

Reps. Fund and Kiegerl were excused on verified illness.

Reps. Davis and O'Neal were excused on legislative business.

Reps. O'Brien and Pottorff were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Today we stand here before You and ask that You guide us, grant us wisdom. and give us Your understanding. As we head into even busier days, I pray that you gift these leaders with Your spiritual fruit of affection for others. exuberance about life, and serenity. Help them to develop a willingness to stick with things. a sense of compassion in the heart, and a conviction that a basic holiness permeates things and people. Help them to find themselves involved in loval commitments. not needing to force their way in life, able to marshal and direct their energies wisely. Empower them to work out the implications of these gifts in every detail of their life. In Your Son's Name I pray, Amen. (Based upon Galatians 5:22-25, The Message)

The Pledge of Allegiance was led by Rep. Goico.

Kansas Trivia Question - In 1858 the first institution of higher learning in the state

was established. What was the name of this school that is now a community college? Answer: Highland College

INTRODUCTION OF GUESTS

Rep. Calloway introduced Jack Overman of Pittsburg to the members of the body. Mr. Overman is considered to be the city's "Spirit Leader." Rep. Calloway presented him with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2366, AN ACT concerning taxation; relating to countywide retailers' sale tax; authority for Douglas county; amending K.S.A. 2010 Supp. 12-187 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. HCR 5022—

By Special Committee on Natural Gas Storage Fields and Facilities

A CONCURRENT RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation.

WHEREAS, Due to a recent adverse federal court ruling that held 49 U.S.C. § 60104(c) precludes a state authority from adopting or enforcing safety standards for interstate pipeline facilities or pipelines transporting gas in interstate transportation, the state of Kansas may not regulate the safety of underground storage of gas in interstate transportation; and

WHEREAS, It is vital that the Federal Energy Regulatory Commission and the United States Department of Transportation or the United States Congress allow Kansas to provide the necessary oversight to ensure the safe operation of natural gas storage within the state of Kansas; and

WHEREAS, Several significant incidents have occurred where natural gas or hazardous liquids have escaped from storage and resulted in loss of life and property; and

WHEREAS, The safe underground storage of natural gas within an interstate transportation system is a vital process to ensure efficient development and production of Kansas natural gas resources; and

WHEREAS, The growth of the production, transportation and storage of natural gas is an important element in the preservation and creation of jobs in Kansas; and

WHEREAS, For decades, natural gas transportation companies have integrated underground natural gas storage into their interstate pipeline operations to increase deliverability and decrease overall costs; and

WHEREAS, The regulation of underground natural gas storage wells have been performed by state agencies and the Federal Energy Regulatory Commission to varying degrees, but not by the United States Department of Transportation; and

WHEREAS, Through Advisory Bulletin ADB-97-04, and other correspondence, the Pipeline and Hazardous Materials Safety Administration (PHMSA) or its predecessor agency has noted gas storage facilities are not covered by PHMSA pipeline safety regulations; and

WHEREAS, The PHMSA has urged state regulators to develop state-sponsored safety programs of wellbores and underground facilities to make new federal regulations unnecessary; and

WHEREAS, Kansas, as well as many other states, has adopted rules and regulations regarding the safe operation of wellbores and underground gas and liquid storage facilities: and

WHEREAS, The State Corporation Commission has the experience and technical ability to regulate the safety of underground storage of gas; and

WHEREAS, It is imperative that the citizens of the state of Kansas be protected from accidents or mishaps at facilities used for the underground storage of natural gas and that both interstate and intrastate gas storage companies be regulated to assure that facilities are operated in a safe manner: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature urges the Federal Energy Regulatory Commission, U.S. Department of Transportation and the Kansas Corporation Commission to adopt legislation or policies that would provide Kansas, and other states, administrative jurisdiction to assure the safe operation of wellbores associated with the underground storage of natural gas that is in interstate transportation; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the United States Department of Transportation Secretary, the Commissioners of the Federal Energy Regulatory Commission, members of the National Association of Regulatory Utility Commissioners, members of the Kansas Congressional Delegation, the Chairman of the United States House of Representatives Committee on Transportation and Infrastructure, the Governor of Kansas and the Executive Director of the Interstate Oil and Gas Compact Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: SB 124.

Energy and Utilities: Sub. SB 50.

Insurance: SB 136.

Local Government: SB 112.

Taxation: SB 1, SB 10, SB 116, SB 177, SB 198, SB 212.

MESSAGE FROM THE GOVERNOR

February 25, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive order No. 11-03 for your information.

EXECUTIVE ORDER NO. 11-03 Concerning Combining the Governor's Military Council

> Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

In accordance with House Rule 1507, Speaker pro tem Vickrey anounced the following bills were stricken from the calendar:

HB 2058, HB 2093, HB 2197, HB 2201.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

HOUSE RESOLUTION No. HR 6012-

By Representative Sloan

A RESOLUTION in memory of Robert V. Talkington.

WHEREAS, Robert V. Talkington, 81, of Iola, passed away December 26, 2010. A former Kansas legislator, he served in the Senate from 1973 to 1988 and the House of Representatives from 1969 to 1972; and

WHEREAS, Mr. Talkington was born August 23, 1929, near Patrick, Texas, to William H. and Nannie Patrick Talkington. Mr. Talkington graduated from Wilmer-Hutchens High School, near Dallas, Texas. He attended Tyler Junior College, Tyler, Texas, on a football scholarship, and received an associates degree in 1949. He transferred to the University of Kansas, on football and baseball scholarships, where he lettered in both sports and received a bachelor's degree in education in 1951. He earned his juris doctor from the University of Kansas in 1954; and

WHEREAS, In his 15 years in the Kansas Senate, this big man with a big heart was well known as an effective lawmaker and leader, but was equally renowned for his raucous sense of humor and love for practical jokes. Virtually everyone knew him as "Talk," and he fostered warm, personal relationships with legislators, staff and lobbvists alike. He was generous and thoughtful to those with whom he served. "Talk" served as vice-president of the Senate from 1977 to 1981, majority leader from 1981 to 1985, and Senate president from 1985 to 1989. He was a member of the Senate Judiciary Committee and the Senate Ways and Means Committee. While in the House of Representatives, Mr. Talkington was vice-chairman of the Legislative Services and Facilities Committee, and a member of the House Judiciary Committee, the House Ways and Means Committee, the House Roads and Highways Committee and the House State Parks and Memorials Committee. He was a member of the Capitol Dome Commission which issued a request for submission of sculpture designs to be considered for the top of the dome. The committee members reviewed the submissions and ultimately selected the regal and elegant design of the Kansas Indian statue, Ad Astra, that graces the dome today. "Talk" also left his mark through his dedicated efforts in defining the budgets for the Kansas Regents Universities, the state's transportation network and the state's judicial system,; and

WHEREAS, In his private life, Mr. Talkington was an accomplished lawyer, serving as a private attorney in Iola, the county attorney for Allen County, the city attorney for Moran, the city attorney for Gas, and an attorney for Allen County Hospital and Allen County Community College; held numerous leadership posts, serving as a member of the Kansas Board of Regents from 1996 to 1999, including as its chairman from 1997 to

1998, and two terms on the Kansas Turnpike Authority, 1997 to 1985 and 1989 to 1993; and contributed to the University of Kansas, serving on its Greater University Fund, on its board of governors for the School of Law, and as a member of the Williams Educational Fund and Jayhawks for Higher Education; and

WHEREAS, Mr. Talkington has been further recognized for his commitment to public service. In 2002, the U.S. Highway 169 in Allen County was designated the "Senator Robert V. Talkington Highway" in recognition of his years of service to Kansas. In 2005, the Kansas Bar Association honored him with the Distinguished Government Service Award. In 1998, Tyler Junior College honored him with the Outstanding Public Service Award. In 2009, he was inducted into the Tyler Junior College Sports Circle of Honor for his outstanding achievements in athletics, professional activities and community service; and

WHEREAS, Mr. Talkington's marriage to Donna Schmaus spanned 58 years; she died in 2009. They were blessed with five children, Jill, Jacki, Lisa, Jim, and Tom, two children who died in infancy, Jeanne and Donald, and 11 grandchildren; and

WHEREAS, Mr. Talkington was a great man and a great Jayhawk. He will be remembered for his many significant contributions to the legal profession and his dedicated service to the communities of Iola, Allen county and the state of Kansas, his love of his family; these are truly his legacy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Robert V. Talkington for the loss of their father and grandfather and gratefully acknowledge the years of public service "Talk" gave to his state and community; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide 20 enrolled copies of this resolution to Representative Sloan to provide to "Talk's" extended family.

REPORT ON ENGROSSED BILLS

HB 2139, HB 2194, HB 2240, HB 2312 reported correctly engrossed February 25, 2011.

Also, **HB 2067**, **HB 2080**, **HB 2195**; **Sub. HB 2271** reported correctly engrossed March 1, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, March 3, 2011.

THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, March 3, 2011, 11:00 a.m.

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

The roll was called with 116 members present.

Reps. Fund, Kiegerl, Schwab and Smith were excused on verified illness.

Reps. C. Holmes and Powell were excused on legislative business.

Reps. Bollier, Pottorff and Spalding were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Mark Armstrong, Larkinburg Christian Church, guest of Rep. Kerschen:

The Kerschens, Dan and his wife, Norene, have a special bond with me and my wife, Kathleen, because their son, Jon, is married to our daughter, Emily. Our bond has grown deeper recently because on Valentine's Day, Jon and Emily welcomed into this world their first child—their daughter and our granddaughter, Abigail Kathryn Kerschen.

As we grandparents look into the eyes of little Abigail, and as you think of all the children in your own lives, it should become apparent that your most important constituents are all too young to vote.

As we bow our heads, we will let the words of Christ Himself guide us in our prayer this morning. Let us pray:

Dear Lord,

Jesus said, "I praise you, Father, Lord of heaven and earth, because you have hidden things from the wise and learned, and revealed them to little children." May we never be so busy, Lord, that we cannot take time to listen and learn from the wisest of all people, our children.

Jesus said, "Whoever humbles himself like this child is the greatest in the kingdom of heaven." Lord, let us learn from our children true humility, the ability to be overwhelmed with wonder, the joy that brings laughter to our souls, the ability to trust and hope and love without conditions.

Jesus said, "Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these." Dear Lord, remind us that our most important duty is to improve and preserve this great state and nation for those who will inherit it. Humble us as we remember we are your stewards, and your kingdom belongs to the little children

We thank you, Lord, for your countless blessings, and for the opportunities you give to us to serve you by serving our children, our families, and our communities in this great state of Kansas.

And most of all, we thank you for the gift of <u>your</u> child, Jesus Christ, for Jesus said, "God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life."

It is in His precious and holy name we pray, Amen.

The Pledge of Allegiance was led by Rep. Gordon.

Kansas Trivia Question – What Kansas cowtown was known as the "Border Queen?" Answer: Caldwell

INTRODUCTION OF GUESTS

Rep. Rhoades introduced Wendy Schrag who is chair of the Kansas Kidney Coalition. The coalition is sponsoring blood pressure screening today. Rep. Rhoades presented her with a framed House certificate.

INTRODUCTION OF GUESTS

Rep. Vickrey introduced Susana Kingsley of Louisburg who is the 2011 Mrs. Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2367, AN ACT concerning schools; enacting the Kansas education liberty program act; providing for educational scholarships; authorizing a tax credit, by Committee on Taxation.

HB 2368, AN ACT concerning appropriations; relating to fee funds; abolishing certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170, by Committee on Appropriations.

HB 2369, AN ACT concerning schools; relating to school buildings; amending K.S.A. 2010 Supp. 31-144 and repealing the existing section, by Committee on Appropriations.

HB 2370, AN ACT concerning the state fire marshal; abolishing the office thereof; transferring the duties and functions thereof to the division of facilities management of the department of administration, the Kansas bureau of investigation and the division of

emergency management of the office of the adjutant general; amending K.S.A. 19-1579, 19-4625, 21-4318, 31-134a, 31-135, 31-136, 31-139, 31-141, 31-143, 31-146, 31-147, 31-148, 31-150a, 31-155, 31-156, 31-165, 31-402, 36-132, 36-133, 36-134, 39-928, 39-929, 40-2,110, 48-928, 50-644, 55-1803, 55-1807, 55-1809, 55-1810, 55-1811, 55-1813, 65-429, 65-34,105, 75-1515 and 80-114 and K.S.A. 2010 Supp. 21-4201, 21-4217, 31-133, 31-133a, 31-134, 31-137, 31-140, 31-142, 31-144, 31-150, 31-159, 31-170, 31-501, 31-502, 31-503, 31-504, 31-505, 31-506, 31-602, 31-603, 31-604, 31-605, 31-606, 31-607, 31-608, 31-609, 31-611, 31-701, 31-702, 31-703, 31-705, 36-510, 39-925, 39-935, 39-938, 39-945, 40-252, 55-1812, 65-506, 65-508, 65-34,133, 65-34,136, 65-34,137, 65-5703, 74-4911f, 74-5602, 74-8841, 75-1508, 75-1514, 75-1517, 75-170a, 75-36,102, 75-36,103, 76-327a, 76-7,105, 76-3319 and 77-618 and repealing the existing sections; also repealing K.S.A. 31-138, 31-157, 46-3201, 74-133, 75-1503, 75-1505, 75-1506, 75-1507, 75-1511, 75-1516, 75-3136 and 75-3137 and K.S.A. 2010 Supp. 74-49781, 75-1510, 75-1513 and 76-327f, by Committee on Appropriations.

HB 2371, AN ACT concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. HCR 5023—

By Committee on Energy and Utilities

A CONCURRENT RESOLUTION urging the United States Congress to preserve the primacy of the Kansas Corporation Commission to regulate hydraulic fracturing in compliance with state regulations and not to enact any future legislation that would remove this primacy.

WHEREAS, The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply; and

WHEREAS, Since the 1974 enactment of the Safe Drinking Water Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the definitions of the SDWA; and

WHEREAS, The United States 11th Circuit Court of Appeals ruled contrary to the argument of the EPA that hydraulic fracturing constituted "underground injection" under the SDWA, *Legal Environmental Assistance Foundation v. United States Environmental Protection Agency*, 118 F.3d 1467 (11th Cir. 1997); and

WHEREAS, In 2004, the EPA published a final report summarizing a study that evaluated the potential threat to underground drinking water sources from hydraulic fracturing of coal bed methane production wells and the EPA concluded that "the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to underground sources of drinking water and that "additional or further study is not warranted at this time"; and

WHEREAS, Any federal rule-making concerning the states' sovereign right in permitting the quantity of water used for hydraulic fracturing would be outside the EPA's purview; and

WHEREAS, In the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Safe Drinking Water Act; and

WHEREAS, Hydraulic fracturing is a proven technology with a long history of environmentally safe use in the completion of oil and gas wells; and

WHEREAS, The oil and gas producing states regulate hydraulic fracturing as a component of their regulatory programs for the drilling, completion, operation and plugging of oil and gas wells; and

WHEREAS, The reservoirs that produce oil and gas are highly variable geologically and separated geographically across the oil and gas producing states such that state regulatory agencies are best suited by local expertise and experience to effectively regulate hydraulic fracturing; and

WHEREAS, State regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing; and

WHEREAS, The SDWA was never intended to grant the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under the Underground Injection Control program; and

WHEREAS, The regulation of hydraulic fracturing under the Federal Safe Drinking Water Act would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells, thereby increasing costs of producing domestic natural gas resources without any ancillary benefit to public health, safety or the environment: and

WHEREAS, The increased cost of producing domestic natural gas resources will reduce domestic supplies of oil and natural gas, increase utility prices and other costs to consumers, reduce tax and royalty revenues for local, state and federal governments and increase the nation's dependence on foreign energy imports; and

WHEREAS, Domestic production of oil and natural gas will ensure that the United States continues on the path to energy security; and

WHEREAS, The Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states and set forth its opposition to federal regulation of hydraulic fracturing under the underground injection control program in Resolution 09.011, dated January 7, 2009, "Urging Congress Not to Remove Exemption of Hydraulic Fracturing from Provisions of the Safe Drinking Water Act"; and

WHEREAS, The states' public utility commissioners represented by The National Association of Regulatory Utility Commissioners adopted a similar resolution in July 2009: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we support continued jurisdiction of the states to conserve and properly regulate oil and gas production in their unique geological and geographical circumstances; and

Be it further resolved: That we urge the United States Congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing: and

Be it further resolved: That the Secretary of State provide an enrolled copy of this resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate and to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Energy and Utilities: HCR 5022.

Taxation: HB 2366.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2269** from Committee on Appropriations and rereferral to Committee on Education.

COMMUNICATIONS FROM STATE OFFICERS

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas Health Policy Authority, in accordance with **S. Sub. for HB 2160**, report on pilot program beginning with Plan Year 2011 providing coverage for orally administered anti-cancer medication.

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

On motion of Rep. Siegfreid, the House adjourned pro forma until 9:00 a.m., Friday, March 4, 2011.

THIRTY-FIFTH DAY

Hall of the House of Representatives, Topeka, KS, Friday, March 4, 2011, $9:00\ a.m.$

The House met session pro forma pursuant to adjournment with Speaker O'Neal in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2372, AN ACT concerning immigration; amending K.S.A. 2010 Supp. 22-2802 and section 143 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: HB 2368.

Corrections and Juvenile Justice: HB 2371.

Education: **HB 2367, HB 2369**. Energy and Utilities: **HCR 5023**.

Transportation and Public Safety Budget: **HB 2370**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **Sub. HB 2221; HB 2268** from Committee on Appropriations and referral to Committee on Government Efficiency.

Also, the withdrawal of **HB 2303** from Committee on Appropriations and rereferral to Committee on Energy and Utilities.

COMMUNICATIONS FROM STATE OFFICERS

From Howard Schwartz, Judicial Administrator, Supreme Court of Kansas, pursuant to K.S.A. 8-1008, 2010 Annual Report of the Statement of Alcohol Drug Safety Action Program.

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

REPORT ON ENROLLED BILLS

HB 2033 reported correctly enrolled, properly signed and presented to the Governor on March 4, 2011.

On motion of Rep. Siegfreid, the House adourned until 11:00 a.m., Monday, March 7, 2011.

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 7, 2011, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Fund, Kiegerl and Winn were excused on verified illness.

Rep. Fawcett was excused on legislative business.

Reps. Calloway, Kelley, Landwehr, McLeland, Mesa and Roth were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
We begin a new week, but the issues are the same.
Our leaders are here to make tough decisions.
Help them to remember the words of Martin Luther King,
"The ultimate measure of a man
is not where he stands in moments of comfort,
but where he stands at times of challenge and controversy."
As our leaders work through the discussion and details
of all the decisions to be made,
may faith replace fear, truth overcome falsehood,
justice triumph over greed, and love prevail over hate.
In Christ's Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

Kansas Trivia Question – What two lawyers argued before the Kansas Supreme Court in the *Brown v. Topeka Board of Education* school desegregation case?

Answer: Paul Wilson argued for the state of Kansas and Charles Sheldon Scott represented the Brown family.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Peck and Kelly are spread upon the journal:

Remarks by Rep. Peck:

There are four public schools in Montgomery County. In January, three of those schools won state championships in debate.

In alphabetical order they are: Caney Valley – Class 3A-1A State Champions – Two Speaker, Coffeyville Field Kindley Memorial – Class 4A State Champions – Four Speaker, and Independence – Class 4A State Champions – Two Speaker

The Resolution for the State Tournament was, "Resolve that the United States Government substantially reduce its military or police presence in: South Korea, Japan, Iraq, Kuwait, Afghanistan and Turkey."

For those of you who participated in debate, or know much about debate, you understand the benefit it provides to students in developing their communication skills and in preparing them for the many circumstances each of us face during our lifetime.

Caney had two, two speaker teams participate in the state tournament. Both were undefeated in the tournament until the semi-final round. One team finished as State Champions, by defeating Silver Lake, and the other team finished in third place. The State Champion Team consists of senior, Kurt Lockwood and junior, Jessica Wells. The third place team was Caleb McIntosh and Bruce Williams, both seniors. Caney is coached by Amber Toth and assistant coach is Tina McCammon.

The last time Caney Valley earned a state trophy was in 1996 when they placed third. This year is the first time in school history that Caney Valley walked away with two state trophies.

The other state championship school in my Legislative District is Field Kindley Memorial High School in Coffeyville. Coffeyville earned a trip to the state tournament by finishing in the top two at the Regionals held in Ft. Scott. During the round-robin state tournament, Coffeyville finished in first place, ahead of Buhler, with a 12-2 record in the class 4A, four speaker category.

The Field Kindley team consists of six students: senior, Tiffany Lin, juniors, Eric Mueller and Jordan Mecom and three sophomores, Ben Wright, Grant Hendrix and Taylor Stringer. Jordan and Ben argued in the affirmative, while Tiffany and Eric took the negative position. Grant and Taylor were ready in the wings as alternates. Our debate coach is Darrel Harbaugh, who is assisted by Kris Crane and Keith Wilson.

Over the past 15 years Field Kindley has won six State Championships in debate, the last one coming 10 years ago in 2001.

Remarks by Rep. Kelly:

In January two Independence High School students, Dalton Mott, a senior and Skylar Stacy, a junior became the first debate team in school history to win a state championship title by winning the 2011 Class- 4A two-speaker state debate competition. In the competition they debated the affirmative side of the resolution "The U.S. federal government should substantially reduce its military and/or police presence in one or more of the following: South Korea, Japan, Afghanistan, Kuwait, Iraq and Turkey".

Dalton and Slylar, who are coached by Independence High School instructor Roni Burris, competed and won against 58 other teams in the competition. The Independence team went 4-2 in the preliminaries and finished the tournament 8-2, winning the final round against Rose Hill High School.

This season Dalton had 33 wins and 7 losses and Skylar had 31 wins and 9 losses in eight invitational tournaments with four to six rounds of competition per tournament. Independence is very proud of Dalton Mott, Skylar Stacy and their coach Roni Burris for bringing the first state debate title home to Independence High School.

Reps. Peck and Kelly presented each of the schools with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2373, AN ACT concerning life insurance; providing for certain additional riders on life insurance policies; amending K.S.A. 2010 Supp. 40-401 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2374, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, and June 30, 2012, for the department of education; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: HB 2372.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6013-

By Representatives O'Neal, Billinger, Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D.

Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill,

Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah,

Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff,

Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding,

Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION in memory of Dr. Jim Morrison.

WHEREAS, Jim Morrison, 68, of Colby, died November 24, 2010. A former Kansas legislator, he served in the House of Representatives from 1992 to 2010; and

WHEREAS, Dr. Morrison was born April 11, 1942, in Colby to Pete and Louise Morrison. Dr. Morrison attended Colby public schools, graduating from high school in 1960, the University of Kansas from 1960 to 1964, majoring in Comparative

Biochemistry and Physiology, and the Southern College of Optometry in Memphis, Tennessee, where he received his Doctor of Optometry degree in 1967. Dr. Morrison served as an optometrist for the community of Colby for 41 years; and

WHEREAS, Dr. Morrison is remembered for his commitment to his constituency from House District No. 121, for serving as Chairperson of the Health and Human Services Committee, the Committee on Government Efficiency and Fiscal Oversight, the Joint Committee on Information Technology, the Joint Committee on Computers and Telecommunications, the Select Committee on Information Management, and as a member of the House Education Committee and the Health Care Fund Oversight Stabilization Committee; and

WHEREAS, Dr. Morrison was also active in numerous community and civic organizations, including Educational Service Centers (formerly known as the Northwest Kansas Educational Diagnostic and Referral Center for Children, Inc.), Kansas Association for Children with Learning Disabilities, Fellow American Academy of Optometry, Kansas Optometric Association, Colby Lions Club, Colby Rotary Club and Kiwanis Club. Additionally, in 2011, the Kansas Alliance of Advanced Nurse Practitioners recognized Dr. Morrison as the NP Advocate of the year; and

WHEREAS, Dr. Morrison married his grade school friend and high school sweetheart, Karen Jean Carr, on August 25, 1963. They are the parents of three sons, Mike Morrison, Jeff Morrison, and Scott Morrison, and one daughter, Lisa Morrison, and 11 grandchildren; and

WHEREAS, The state has lost a valiant leader. During his years in the legislature, Dr. Morrison worked tirelessly for his constituents not only in representing their needs but also by communicating to them the issues covered in that day's session. Dr. Morrison was instrumental in passing SB 5 in 1997, which created oversight for all state agency information technology purchases, saving the state millions of dollars. During the legislative session, Dr. Morrison was known to send 80 daily faxes (before email became ubiquitous) to interested constituents and community leaders, provided two daily radio broadcasts on local radio stations, and wrote a bimonthly column for the Hays Daily News: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Jim Morrison and thank him for the years of public service he gave to his state and community; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide five enrolled copies of this resolution to Representative Billinger.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2091** be passed.

Committee on **Taxation** recommends **HB 2220** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2220," as follows:

"Substitute for HOUSE BILL NO. 2220

By Committee on Taxation

"AN ACT concerning the promoting employment across Kansas act; pertaining to qualifications for benefits under the act; income tax credits; amending K.S.A. 2010 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2220 was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

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

Request No. 44, by Representative Calloway, recognizing Jack Overman, Mr. Pittsburg, for his contributions and continued support of the entire Pittsburg community;

Request No. 45, by Representative Gordon, congratulating Jerry McElroy on his induction into the Junior Achievement Business Hall of Fame;

Request No. 46, by Representative Burgess, congratulating Parker Louis Gunnell for attaining the rank of Eagle Scout;

Request No. 47, by Representative Meigs, commending David Urban for attaining the rank of Eagle Scout;

Request No. 48, by Representative Meigs, commending Garrett Ruskamp for attaining the rank of Eagle Scout;

Request No. 49, by Representative Meigs, commending Philip Loughman for attaining the rank of Eagle Scout;

Request No. 50, by Representative Meigs, commending Robert Loomis for attaining the rank of Eagle Scout;

Request No. 51, by Representative Meigs, commending Jeff Kraus for attaining the rank of Eagle Scout;

Request No. 52, by Representative Bowers, congratulating Quentin Clark for winning the Ottawa County Spelling Bee;

Request No. 53, by Representative Bowers, congratulating James McCabe for winning the 2011 Cloud County Spelling Bee;

Request No. 54, by Representative Bowers, congratulating John Augustine for winning the 2011 Lincoln County Spelling Bee;

Request No. 55, by Representative Bowers, congratulating Pam Barker and Vickie Coffman for winning the "Best Hardware Store in Town", awarded by True Value Company;

Request No. 56, by Representative Bowers, congratulating Bill Clark in recognition of being inducted into the 2011 American Gelbvieh Association Hall of Fame;

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

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

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Tuesday, March 8, 2011.

THIRTY-SEVENTH DAY

Hall of the House of Representatives, Topeka, KS, Tuesday, March 8, 2011, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Fund and Kiegerl were excused on verified illness.

Reps. Fawcett and C. Holmes were excused on legislative business.

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

Prayer by Chaplain Brubaker:

Father God.

You ask for our hands that You might use them for Your purpose; give us strength to not withdraw them when the work is hard.

You ask for our mouths to speak against injustice; help us not to whisper for fear of accusation.

You ask for our lives that You may work through us; may we not pull away to avoid getting too involved.

Forgive us when we are tempted to serve You only when it is convenient for us in places where we consider it safe, and only for those who make is easy to do so.

Lord, as we come into the Lenten season we ask the following:

Forgive us, renew us, heal us, nurture us and empower us.

Use us as an instrument of Your peace that we may seriously be servant-leaders.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Swanson.

Kansas Trivia – Neosho County formerly was called Dorn County. Why did residents change its name?

Answer: Because Major Jackson Dorn, for whom the county was originally named, joined the Confederacy during the Civil War.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: HB 2374.

Insurance: HB 2373.

MESSAGE FROM THE GOVERNOR

March 4, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-04 for your information.

EXECUTIVE ORDER NO. 11-04 Concerning Employment Policies Implemented by Human Resource Departments

> Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

March 4, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No., 11-05 for your information.

EXECUTIVE ORDER NO. 11-05 Concerning the Appointment of The Adjutant General as Homeland Security Advisor

> Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of Sub. SB 72; SB 101, SB 114, SB 193.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 72; SB 101, SB 114, SB 193.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6014-

By Representative Bethell, Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin,

Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION in memory of Richard "Dick" Wellman.

WHEREAS, Richard Gale Wellman, 89, of Alden, died on January 26, 2011. A former Kansas legislator, he served in the House of Representatives from 1957 to 1961; and

WHEREAS, Mr. Wellman was born on February 25, 1921 in Sterling, Kansas, the son of Edward Chauncey Wellman and Jessie Cochrane Coyle Wellman. He attended Sterling public schools, graduated high school in 1939, and attended Kansas State College, where he was a member of the Sigma Phi Epsilon fraternity and graduated with a bachelor's degree in agriculture in 1942; and

WHEREAS, Mr. Wellman served his country during World War II as a member of the U.S. Navy. He served on board the USS Macomb, a destroyer, in the Arctic, North Atlantic, and the Mediterranean and on board the USS Hampton, an attack transport, in the western Pacific, the Philippines and the China Seas. He was honorably discharged with the rank of Lieutenant, junior grade; and

WHEREAS, After World War II, Mr. Wellman returned to rural Rice County and spent the next 50 years farming and ranching. Upon his retirement, he wrote two books, "Crazy Over Horses" and "White Elk Speaks"; and

WHEREAS, Mr. Wellman recognized the importance in preserving the history of Kansas. He was a former director of the Kansas State Historical Society, and a past president of the Native Sons of Kansas and the Rice County Historical Society. He also participated in a World War II veterans oral history project, recounting his stories and experiences for the benefit of future generations of Kansans; and

WHEREAS, Mr. Wellman was active in his community and in various organizations. He served on the Alden school board, and was also a member of Kansas Explorers, the American Legion, the Kanza Car Club and the Hole in the Wall Gang. His membership in the Hole in the Wall Gang was of particular importance to Mr. Wellman. He formed many lifelong relationships with many of the Gang's members and guests as together they embraced the spirit of the old American West; and

WHEREAS, Mr. Wellman married Myrtle Emily Belden on December 20, 1946 and she preceded him in death on September 19, 1985. He married JoAnn Schmidt Green on June 22, 1989 and she preceded him in death on April 15, 1998. Mr. Wellman is survived by his children, Emily Wellman, Greg Wellman, Brad Wellman, Alan Wellman, Anne Browne, Jim Green and Tom Green, four grandchildren and five great-grandchildren: and

WHEREAS, Mr. Wellman will be remembered for his dedicated service to his country, state and community: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Richard G. Wellman for his great work in the House of Representatives and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to Representative Bethell.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Rhoades in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2107** be adopted; also, roll call was demanded on motion of Rep. Aurand to amend on page 9, following line 4, by inserting:

"New Sec. 13. (a) No sexually oriented business, as defined by section 3, and amendments thereto, shall be conducted on the premises of any lottery gaming facility or any racetrack gaming facility.

(b) This section shall be part of and supplemental to the Kansas expanded lottery act.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to prohibitions on lottery gaming facilities and racetrack gaming facilities;"

On roll call, the vote was: Yeas 55; Nays 63; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Grosserode, Hayzlett, Henderson, Henry, Hildabrand, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Phelps, Powell, Prescott, Proehl, Roth, Ruiz, Ryckman, Schwab, Schwartz, Slattery, Sloan, Smith, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Arpke, Billinger, Bollier, Boman, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hedke, Hermanson, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Mast, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Rhoades, Rubin, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fawcett, Fund, C. Holmes, Kiegerl, Landwehr, McLeland, Peterson.

The motion of Rep. Aurand did not prevail.

Also, on motion of Rep. D. Gatewood to amend **HB 2107**, Rep. Knox requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Grant challenged the ruling, the question being "Shall the Rules Chair be sustained?" Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 34; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Phelps, Ruiz, Slattery, Suellentrop, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fawcett, Fund, C. Holmes, Johnson, Kiegerl, McLeland, Peterson.

The Rules Chair was sustained.

Also, on motion of Rep. Prescott to amend **HB 2107**, the motion did not prevail. Also, on motion of Rep. Knox to amend, the motion did not prevail.

Also, on motion of Rep. Patton, **HB 2107** be amended on page 6, following line 2, by inserting "(1) Any offense set forth in K.S.A. 21-3502, 21-3503, 21-3504, 21-3505, 21-3506, 21-3507, 21-3508, 21-3510, 21-3511, 21-3512, 21-3513, 21-3515, 21-3516, 21-3517, 21-3518, 21-3520, 21-3522 or 21-3523, prior to their repeal"; following line 5, by inserting "(3) any offense set forth in K.S.A. 21-4301, 21-4301a, 21-4301b or 21-4031c, prior to their repeal;"

and renumbering paragraphs accordingly; and **HB 2107** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HR 6009** be amended by substituting a new resolution to be designated as "Substitute for HOUSE RESOLUTION NO. 6009," as follows:

"Substitute for HOUSE RESOLUTION NO. 6009

By Committee on Agriculture and Natural Resources

A RESOLUTION urging the U.S. Army Corps of Engineers to accept "Life of the Project" conservation easements."; and the substitute resolution be adopted.

(**Sub. HR 6009** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2161** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2161," as follows:

"Substitute for HOUSE BILL NO. 2161

By Committee on Taxation

AN ACT concerning sales taxation; relating to situs of taxable transactions; sourcing of certain retail sales; amending K.S.A. 2010 Supp. 12-191 and 79-3669 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2161 was thereupon introduced and read by title.)

REPORT ON ENROLLED RESOLUTIONS

HCR 5021 reported correctly enrolled and properly signed on March 7, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, March 9, 2011.

THIRTY-EIGHTH DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, March 9, 2011, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Fund, Kiegerl and Landwehr were excused on verified illness.

Rep. Fawcett was excused on legislative business.

Reps. McLeland and Montgomery were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Curtis Knapp, New Hope Baptist Church, Seneca, and guest of Rep. Garber:

Father, it is the tradition of this body to pray before each day's sessions, and by praying each morning, whether we mean to or not, we acknowledge that You are God and we are not. Otherwise, prayer is meaningless. You are infinite in strength and we are weak. While You fill the universe, we are but tiny, transitory creatures who occupy a tiny space on a tiny planet in Your creation. You are from everlasting, and we are but a mist that is here one moment and gone the next. You are wisdom itself and you have never needed or desired an advisor. We, on the other hand, are full of confusion and perplexity. If we are honest, we have to admit that much of the time, we have no idea what to do. And it is for this reason that I pray to you this morning – because we are so needy. I have no suggestions to give you. I only have requests. Being poor, I have nothing to give vou except needs. I am a beggar, not a benefactor. I would never think that such a huge God as Yourself would listen to such a poor, sinful, tiny creature like myself, except for two things: 1) You have said in Your word that You are merciful to the humble. 2) You hear prayers offered in the name of Christ. It is in His name that I come. It is His merit that I plead, not my own. I know no other god and have no other mediator. Lord, You have exhorted us in scripture to pray for all who are in authority. These men and women gathered here today are in positions of authority and they need You. You have given them great influence and great responsibilities. These are difficult times and these men and women have a difficult job. It is easy to criticize them. It is much harder to walk in their shoes. The

decisions they make have a profound impact upon many people. So, I pray for them. Please help them. Give to them of Your matchless wisdom. Just a fragment of it will do wonders. I do not ask You to adjust Your will to the will of the Legislature. Rather, I ask You to inspire the House, Senate and Governor to do Your will. Help them to see things as You see it. Give them humility. Reveal Your truth to them, then give them a love for that truth. Unity will then be inevitable and meaningful, not the lowest common denominator of pared down convictions. Show them Your glory. Show them that You are merciful and a prayer-hearing God to those who call upon You. Give them love for You, love for each other and love for the citizens of this state. Help them to season their words with grace. Help them to perform their labors as though You were their boss, which indeed You are. Give them courage to do what is right in Your eyes, even if it is unpopular, even if it costs them in the next election. Please have mercy. Please help them. Please help us all. In Jesus' name. Amen.

The Pledge of Allegiance was led by Rep. Knox.

Kansas Trivia Question – What two Kansas towns and their county are named after a famous former publisher and his newspaper?

Answer: Horace Greeley, editor of the New York Tribune. Horace and Tribune are cities in Greeley County.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2375, AN ACT concerning school districts; relating to school accountability and parental choice; creating the Kansas school accountability act; creating the Kansas opportunity scholarship act; creating the Kansas tax credit scholarship act; authorizing the establishment of charter technical career centers; amending K.S.A. 72-1903 and repealing the existing section, by Committee on Appropriations.

HB 2376, AN ACT concerning the Kansas uniform securities act; relating to adoption of federal statutes and rules by reference; registration; fees; securities act fee fund and investor education fund; amending K.S.A. 17-12a103, 17-12a406, 17-12a410, 17-12a412 and 17-12a601 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: Sub. SB 72. Local Government: SB 101, SB 114.

Taxation: SB 193.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2107, AN ACT establishing the community defense act; amending K.S.A. 2010

Supp. 22-3901 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 91; Nays 28; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Loganbill, Mast, McCray-Miller, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, Wolfe Moore.

Nays: Aurand, Ballard, Bethell, Bollier, Burgess, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Grant, Henderson, Hill, Kuether, Lane, Mah, Peterson, Prescott, Roth, Ruiz, Schwartz, Sloan, Tietze, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fawcett, Fund, Kiegerl, Landwehr, McLeland, Montgomery. The bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: Although I am sympathetic to the issues discussed during the debate, my opposition to this bill is best summed up by the Ronald Reagan quote where he said, "Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves."

Therefore, Mr. Speaker, I vote no on **HB 2107**.--Mike Burgess, Lana Gordon, Willie Prescott, Sharon Schwartz

Mr. Speaker: **HB 2107** addresses an issue that has been and should be regulated at the local level. This legislation represents unnecessary intrusion by state government. I favor limited government which is why I vote NO on **HB 2107**.--Annie Tietze, Geraldine Flaharty, Gail Finney, Stan Frownfelter, Bob Grant, Valdenia Winn, Paul Davis, Barbara Ballard

Mr. Speaker: This bill imposes common sense restrictions on sexually oriented businesses that have been carefully crafted to protect legitimate public health, safety and welfare concerns. It goes only so far as is necessary to address these legitimate public policy concerns without unduly infringing or prohibiting the personal liberty or property rights of owners of sexually oriented businesses or their patrons. Each restriction has been included in similar legislation in other states which has consistently been upheld as constitutional by the U.S. Supreme Court and lower courts. I vote yes on HB 2107. —JOHN J. RUBIN

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Schwab in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Schwab, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Patton, **HB 2133** be amended on page 3, in line 26, by striking "facility - facilities operations" and inserting "facility – facilities operations account of the state general"; in line 32, by striking "facility –"; in line 33, by striking "facilities operations" and inserting "facility – facilities operations account of the state general"; in line 39, by striking "facility –"; in line 40, by striking "facilities operations" and inserting "facility – facilities operations account of the state general"; in line 46, by striking "facility –"; in line 47, by striking "facilities operations" and inserting "facility – facilities operations account of the state general";

On page 4, in line 4, by striking "facility - facilities operations" and inserting "facility - facilities operations account of the state general"; in line 11, by striking "facility -"; in line 12, by striking "facilities operations" and inserting "facility - facilities operations account of the state general"; in line 18, by striking "facility -"; in line 19, by striking "facilities operations" and inserting "facility - facilities operations account of the state general"; in line 25, by striking "facility -"; in line 26, by striking "facilities operations" and inserting "facility - facilities operations account of the state general"; in line 32, by striking "facility - facilities operations" and inserting "facility - facilities operations account of the state general"; in line 39, by striking "facility -"; in line 40, by striking "facilities operations" and inserting "facility - facilities operations account of the state general"; in line 45, before "department" by inserting "Kansas"; in line 46, after "amount" by inserting "from the wildlife fee fund";

On page 5, in line 31, by striking "Kansas"; in line 39, before "state" by inserting "operating expenditures account of the"; in line 47, by striking "Kansas" and inserting "underground";

Also, on motion of Rep. Worley to amend **HB 2133**, the motion did not prevail; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2374** be passed.

Committee on **Appropriations** recommends **HB 2368** be amended: On page 1, by striking all in lines 14 through 36;

On page 2, by striking all in lines 1 through 17;

And by renumbering sections accordingly;

On page 8, in line 5, by striking all after the period; by striking all in line 6;

On page 9, in line 26, by striking all after "amount"; in line 27, by striking all before "shall";

On page 15, in line 37, by striking all after "be" where it first appears;

On page 23, in line 12, by striking "to"; in line 13, by striking all before the period and inserting "and shall credit the portion of the fine amount collected that equals the commission's actual costs related to the investigation and prosecution of the case and attorney fees, as certified by the executive director of the commission to the state treasurer, to the real estate commission fee fund as provided by K.S.A. 58-3050, and amendments thereto. The balance of the fine amount collected shall be credited to the state general fund";

On page 36, in line 24, by striking all after "year"; in line 25, by striking all before

"and";

On page 1, in the title, in line 1, by striking "appropriations" and inserting "state finance"; in line 10, by striking ", 75-3170a"; in line 11, before the period by inserting "and K.S.A. 2010 Supp. 75-3170a"; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends HB 2339 be passed.

Committee on Corrections and Juvenile Justice recommends HB 2318 be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2318," as follows:

"Substitute for HOUSE BILL NO. 2318

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; sentencing guidelines grid for drug crimes; amending K.S.A. 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-36a01, 21-36a03, 21-36a05, 21-36a06, 21-36a09, 21-36a10, 21-36a13, 21-36a14, 21-36a16, 21-36a17, 22-2802, 22-3412, 22-3604, 22-3717, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376 and 75-5291 and sections 244, 248, 251, 254, 286, 289, 291, 302 and 305 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-4603d, 21-4619, 21-4710 and 22-3717c."; and the substitute bill be passed.

(Sub. HB 2318 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends **HB 2321** be amended on page 1, by striking all in lines 11 through 36;

On page 2, by striking all in lines 1 through 7;

And by renumbering the sections accordingly;

Also, on page 2, in line 11, by striking "Sections 1 and 2" and inserting "Section 1";

On page 5, by striking all in lines 20 through 43;

On page 6, by striking all in lines 1 through 32; following line 32, by inserting:

- "Sec. 6. Section 11 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended as follows: Sec. 11. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.
 - (a) "Act" includes a failure or omission to take action.
- (b) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
 - (c) "Conduct" means an act or a series of acts, and the accompanying mental state.
 - (d) "Conviction" includes a judgment of guilt entered upon a plea of guilty.
- (e) "Deception" means knowingly creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that such person did not subsequently perform the promise. Falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive reasonable persons, is not deception.
 - (f) "Deprive permanently" means to:
- (1) Take from the owner the possession, use or benefit of property, without an intent to restore the same;

- (2) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
- (3) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (g) "Distribute" means the actual or constructive transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale, furnishing, buying for, delivering, giving, or any act that causes or is intended to cause some item to be transferred from one person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, or otherwise authorized by law.
 - (h) "DNA" means deoxyribonucleic acid.
- (i) "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition:
- (1) "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.
- (2) "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.
- (j) "Domestic violence offense" means any crime committed whereby the underlying factual basis includes an act of domestic violence.
- (i)(k) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (j)(1) "Expungement" means the sealing of records such that the records are unavailable except to the petitioner and criminal justice agencies as provided by K.S.A. 22-4701 et seq., and amendments thereto, and except as provided in this act.
- (k)(m) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion., including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. "Firearm" does not include an antique firearm. "Antique firearm" means:

- (1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898;
- (2) any replica of any firearm described in subsection (m)(1) if such replica: (A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (B) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and
- (3) any muzzle loading rifle, muzzle loading shotgun or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this paragraph, "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination thereof.
- (+)(n) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person;
- (m)(o) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.
 - (n)(p) "Law enforcement officer" means:
- (1) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
- (2) any officer of the Kansas department of corrections or, for the purposes of sections section 47 and subsection (d) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, any employee of the Kansas department of corrections:
- (3) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.
- (o)(q) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.
- (p)(r) "Obtains or exerts control" over property includes, but is not limited to, the taking, carrying away, sale, conveyance, transfer of title to, interest in, or possession of property.
 - (q)(s) "Owner" means a person who has any interest in property.
- $\frac{(r)(t)}{t}$ "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.
- (s)(u) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.
- (t)(v) "Possession" means having joint or exclusive control over an item with knowledge of or intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.
 - (u) (w) "Property" means anything of value, tangible or intangible, real or personal.

(v)(x) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

(w)(y) "Prosecutor" means the same as prosecuting attorney in K.S.A. 22-2202, and amendments thereto.

 $\frac{(x)(z)}{z}$ "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

(y)(aa) "Public officer" includes the following, whether elected or appointed:

- (1) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state;
- (2) a member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state;
- (3) a judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy;
- (4) a hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer;
 - (5) a law enforcement officer; and
- (6) any other person exercising the functions of a public officer under color of right.

(z)(bb) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(aa)(cc) "Solicit" or "solicitation" means to command, authorize, urge, incite, request or advise another to commit a crime.

(bb)(dd) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(ee)(ee) "Stolen property" means property over which control has been obtained by theft.

(dd)(ff) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(ee)(gg) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.";

On page 10, by striking all in lines 15 through 43;

By striking all on page 11;

On page 12, by striking all in lines 1 through 7;

On page 14, by striking all in lines 28 through 43;

On page 15, by striking all in lines 1 through 9:

On page 17, by striking all in lines 31 through 43;

By striking all on page 18;

On page 19, by striking all in lines 1 through 22;

On page 26, in line 14, after "K.S.A." by inserting "2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A."; in line 15, by striking "34," and inserting "11,"; also in line 15, by striking "68, 71,"; in line 16, by striking "93,"; also in line 16, by striking "136,";

On page 1, in the title, in line 1, by striking "crimes" and inserting "crime"; in line 2, by striking "armed criminal action and"; in line 4, by striking "34," and inserting "11,"; also in line 4, by striking "68, 71,"; in line 5, by striking "93,"; also in line 5, by striking "136," where it appears the first time; in line 7, after "repealing" by inserting "K.S.A. 2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, and "; and the bill be passed as amended.

Committee on Elections recommends SB 67 be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were thereupon introduced and read by title:

HB 2377, AN ACT concerning abortion; regarding restrictions on late term abortion; creating the no taxpayer funding for abortion act; amending K.S.A. 60-1901, 65-6701, 65-6703 and 65-6713 and K.S.A. 2010 Supp. 40-2,103, 40-19c09, 40-2246, 65-6709, 65-6710, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION NO. 5024--

By Representatives O'Neal, Sloan, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, S. Gatewood, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, and Worley.

A RESOLUTION recognizing Lecompton as a Territorial Capital.

WHEREAS, The City of Lecompton was recognized as a Territorial Capital of Kansas from 1855 to 1861; and

WHEREAS, Presidents Pierce and Buchanan appointed a total of nine Kansas Territorial Governors who subsequently resided in Lecompton; and

WHEREAS, There was a free state victory in the territorial election in October of

1857: and

WHEREAS, The Lecompton Constitution split the National Democrat Party in 1858, which led to four candidates for President in 1860 with Abraham Lincoln as the sole Republican candidate. He won with only 39% of the popular vote; and

WHEREAS, The name Lecompton was mentioned at least 55 times during the Lincoln-Douglas Presidential debates; and

WHEREAS, The Kansas-Nebraska Act proposed the rejection of the Lecompton Constitution by Congress, and a majority of Kansans established that Kansas would not be a slave state: and

WHEREAS, The establishment of Kansas as a free state established a tradition of Kansas supporting equal rights for all in the United States and around the world: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we recognize and honor Lecompton as a Territorial Capital of Kansas; and

Be it further resolved: That the people of Kansas and its elected leaders celebrate 150 years of Kansans supporting equal rights, political freedom, and religious freedom for all people; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Speaker of the House, Representative Mike O'Neal, Minority Leader, Paul Davis, and the Lecompton Historical Society.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6015-

By Committee on Federal and State Affairs

A RESOLUTION requesting that the Attorney General bring an action in quo warranto in a court of competent jurisdiction against the Kansas Racing and Gaming commission and its members, the Kansas Lottery Commission and its members and the Kansas Lottery Gaming Facility Review Board and its members and challenging the constitutionality of K.S.A. 74-8762(e) and such other claims as the Attorney General may deem warranted under the circumstances.

WHEREAS, In 2010, Peninsula Gaming Partners LLC and Global Gaming KS LLC submitted proposals to the Kansas Lottery Commission for developing and managing a lottery gaming facility in Sumner County; and

WHEREAS, In a meeting on September 8, 2010, the Kansas Lottery Commission approved lottery gaming facility management contracts with Peninsula Gaming and Global Gaming for a casino in Sumner County, provided the companies received local planning and zoning approvals; and

WHEREAS, In October, 2010, a special prosecutor for the state of Iowa charged Peninsula Gaming Partners LLC and two executives of the company, the chief executive officer and the chief operating officer, with illegally funneling \$25,000 in contributions through a third party to the re-election campaign of a candidate for governor; and

WHEREAS, The trial of this matter is scheduled to begin in June, 2011, in Iowa; and WHEREAS, In a meeting on December 15, 2010, the Kansas Lottery Gaming Facility Review Board selected Peninsula Gaming as the developer and manager of the casino in

Sumner County; and

WHEREAS, In a meeting on January 14, 2011, the Kansas Racing and Gaming Commission approved the background checks of Peninsula Gaming key officials and approved the casino development and management contract with the company; and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A 74-8733 et. seq.) was enacted with the specific requirement in K.S.A. 74-8734 that the Kansas Lottery Commission "adopt standards to promote the integrity of gaming and finances of lottery gaming facilities, which shall apply to all management contracts, shall meet or exceed industry standards for monitoring and controlling the gaming and finances of gaming facilities and shall give the executive director sufficient authority to monitor and control the gaming operations and to ensure its integrity and security"; and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8736) requires the Kansas Lottery Facility Review Board determine that a gaming facility management contract is the "best possible such contract" prior to the contract becoming binding on the parties; and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8751) requires the Kansas Racing and Gaming Commission to adopt rules and regulations relating to certification requirements by implementing such background investigations and standards for applicants, as may be "necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility."; and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8751 and 74-8772) directs the Kansas Racing and Gaming Commission to adopt rules and regulations for suspension, revocation or nonrenewal of a certification and promoting the integrity of the lottery and racetrack gaming facilities in Kansas; and

WHEREAS, K.A.R. 112-101-6(b) provides that a certification may be denied, suspended or revoked if the certificate holder or its officers, directors, key gaming employees, or any person directly or indirectly owning an interest of at least 0.5% in the applicant, poses a threat to the public interest or to the effective regulation of gaming; or creates or enhances the dangers of unfair or illegal practices in the conduct of gaming; and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8734(o)) provides that a lottery gaming facility shall comply with any planning and zoning regulation of the city and county in which it is to be located and that the executive director shall not contract with any prospective lottery gaming facility manager who lacks proper approvals under the planning and zoning requirements of the city or county in which the facility is to be located; and

WHEREAS, Compliance with local planning and zoning requirements for the proposed Sumner County lottery gaming facility requires zoning changes, a special use permit, approval of a planned unit development application, a variance, site plan and plat approval; and

WHEREAS, Final action by the appropriate local government entities as to all planning and zoning matters was not complete at the time of the approval of the Peninsula Gaming facility management contract; and

WHEREAS, The state has an interest in determining under what authority the Peninsula Gaming facility management contract was approved given the conditions precedent to approval set forth at K.S.A. 74-8734(o); and

WHEREAS, The Kansas Expanded Lottery Act (K.S.A. 74-8762(e)) purports to limit the authority of state officials, including legislators, to act in their official capacity to perform their legislative duties; and

WHEREAS, The matters delineated above are areas of legitimate public interest and concern and as such implicate traditional areas of legislative action as reserved to the legislature under Article 2 of the Constitution of the State of Kansas; and

WHEREAS, The state has an interest in determining the constitutionality of a provision of the Kansas Expanded Lottery Act (K.S.A. 74-8762e) which purports to limit the power of state officials and state legislators under the Kansas and United States Constitutions:

WHEREAS, Pursuant to K.S.A. 75-702 the Attorney General shall, when required by either branch of the legislature, appear for the state and prosecute in any court, any matter in which the state may be interested: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That in accordance with K.S.A. 75-702, the Attorney General of the State of Kansas is hereby required to bring: (a) an action in quo warranto in a Court of competent jurisdiction against the Kansas Racing and Gaming Commission and its members, the Kansas Lottery Commission and its members and the Kansas Lottery Gaming Facility Review Board and its members to determine under what authority the gaming facility management contract with Peninsula Gaming was approved given the requirements of K.S.A. 74-8762(e); (b) an action challenging the Constitutionality of K.S.A. 74-8762(e) as applied to the Kansas legislature and it members and other affected public officials, and; (c) such other claims as the Attorney General may deem warranted under the circumstances: and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to the Attorney General of the State of Kansas.

REPORT ON ENGROSSED BILLS

HB 2107 reported correctly engrossed March 9, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, March 10, 2011.

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, March 10, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 118 members present.

Reps. Frownfelter and Fund were excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Montgomery, Ruiz, Schwab and Slattery were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Today I ask that you help us to FOCUS.

F – ighting hard and doing our best;

O – thermindedness - putting others before ourselves;

C – ourage to do the right thing even when it is hard;

U – nity in playing as a team;

S – coring lots of point...oh wait,

that is what we want our teams to do today

in the tournament.

In all seriousness, Lord, we do ask that You help us to focus on the purpose and task at hand, as well as focusing on You for direction and wisdom.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Schroeder.

Kansas Trivia Question – New Boston was the name originally considered for what two Kansas towns at different times?

Answer: Both Lawrence and Manhattan.

PERSONAL PRIVILEGE

Rep. Kiegerl thanked the members of the House for all their support during his illness

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. HCR 5025—

By Committee on Transportation

A CONCURRENT RESOLUTION urging the United States congress to repeal 23 U.S.C. § 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state.

WHEREAS, The United States congress approved 23 U.S.C. § 127(d) on June 1, 1991, which froze the truck size and weight limits to those weights and lengths that were being operated at such time; and

WHEREAS, Operation of more productive vehicles has been frozen by federal law for 20 years; and

WHEREAS, The custom harvesting industry requested that the legislature approve additional length for their combination vehicles and were informed of the federal freeze and the potential loss of federal highway funds to Kansas should the freeze be violated; and

WHEREAS, States should have the flexibility to adopt vehicle size and weight laws necessary for the economic growth for the state and region; and

WHEREAS, The Western Governors' Association has approved a policy resolution urging congress to lift the freeze on more productive trucks for the 13 western states: Kansas, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming; and

WHEREAS, Any change in vehicle size and weight laws must be adopted by both the Kansas House of Representatives and Kansas Senate and approved by the Governor: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the United States congress to repeal 23 U.S.C. § 127 (d) and eliminate the freeze on more productive trucks, thereby allowing Kansas to respond to new technology and new vehicle size and weight requirements.

Be it further resolved: That the chief clerk of the house of representatives shall send an enrolled copy of this resolution to the United States secretary of transportation and each member of the Kansas congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Education: HB 2375.

Federal and State Affairs: HB 2377; HR 6015.

Financial Institutions: HB 2376.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2133, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 42; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens,

Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Shultz, Siegfreid, Spalding, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Bollier, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grant, Grosserode, Henderson, Henry, Hildabrand, Kerschen, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meigs, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Seiwert, Smith, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Frownfelter, Fund, Montgomery, Ruiz, Schwab, Slattery, Sloan.

The bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: As we are short of money for education and SGF, I do not see it appropriate to pay for inmate TVs, medical expenses and law suits against the state by someone breaking the law. I vote No on **HB 2133**. – Joe Seiwert

Mr. Speaker: It is with regret I vote Yea for **HB 2133**. This causes our wonderful Kansas Highway Patrol to pay over \$130,000 in hospital charges out of an already stressed budget simply for doing their duty in delivering to the hospital a drunken citizen who had just killed another person in a car wreck. Personal responsibility was lost and the Highway Patrol is honorable enough to pay their statutory debt. It is my sincere hope we correct this injustice soon with future legislation.--Terrilois Gregory

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Mast in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mast, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to HCR 5016 be adopted; and the resolution be adopted as amended.

Committee report recommending a substitute resolution to ${\bf Sub.}$ HR 6009 be adopted; and the resolution be adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfreid pursuant to House Rule 2311, **Sub. HR 6009** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HR 6009, A RESOLUTION urging the U.S. Army Corps of Engineers to accept

"Life of the Project" conservation easements, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Frownfelter, Fund, Montgomery, Patton, Ruiz, Schwab, Slattery, Sloan.

The substitute resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on Commerce and Economic Development recommends SB 77 be amended on page 2, in line 4, by striking "From and after July 1, 2011,";

On page 18 in line 10, by striking "in excess of"; by striking all in lines 11 through 13; in line 14, by striking all before the comma where it appears for the first time and inserting "and in excess of \$8,000 with respect to employment during any calendar year following 1983"; following in line 16, by striking "the amount stated herein" and inserting "\$8,000";

On page 47, in line 10, by striking "From and after July 1, 2011,";

On page 68, in line 13, by striking "(i) Except as provided in"; in line 14, by striking "clause (ii), the" and inserting "The"; in line 22, before the period by inserting ", except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30"; by striking all in lines 23 through 30;

On page 85, in line 4 by striking "44-704a, 44-710a" and inserting 44-703, 44-704a, 44-710, 44-710a"; in line 7, by striking "44-705, 44-706 and 44-710" and inserting "44-705 and 44-706"; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends HB 2371 be amended on page 2, in line 18, by striking "January" and inserting "July"; in line 23, by striking "January" and inserting "July"; and the bill be passed as amended.

Committee on **Education** recommends **HCR 5010** be amended on page 1, in line 19, by striking "provide for"; by striking all in lines 20 through 22 and inserting: "make suitable provision for finance of the educational interests of the state in an equitable

manner and in such amounts as may be determined by the legislature."; in line 33, by striking all after "clarify"; by striking all in lines 34 and 35 and inserting "the requirement for suitable finance in an equitable manner but in amounts to be determined by the legislature."; and the resolution be adopted as amended

Committee on Education Budget recommends SB 21 be passed.

Committee on **Education Budget** recommends **HB 2360** be amended on page 1, in line 15, by striking ", that is in accordance with generally accepted"; by striking all in line 16; in line 17, by striking "thereto"; in line 31, by striking the comma and inserting "and"; also in line 31, by striking "and activity fund";

On page 2, in line 2, by striking "at all times"; following line 9 by inserting "(g) As part of the uniform reporting system established pursuant to this section, each school district shall annually submit a report to the state board on the receipts and expenditures of the activity fund accounts and the construction fund accounts of such school district. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.";

And by redesignating the remaining subsection accordingly; and the bill be passed as amended

Committee on **Education Budget** recommends **SB 41** be amended on page 4, following line 21 by inserting "(g) The provisions of this section shall expire on June 30, 2015."; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2087** be amended on page 1, in line 19, after "any" by inserting "foreign"; in line 23, after "a" by inserting "foreign"; in line 27, after "the" by inserting "foreign";

On page 2, in line 5, after "any" by inserting "foreign"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2378, AN ACT concerning sales taxation; relating to countywide retailers' sales tax authority; services for children and youth; establishing community children's service fund, administration, expenditures and procedures therefor; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2379, AN ACT concerning the community improvement district act; relating to exempt property and reallocation of assessments; bonds; amending K.S.A. 2010 Supp. 12-6a27, 12-6a28, 12-6a29, 12-6a30, 12-6a31 and 12-6a36 and repealing the existing sections, by Committee on Taxation.

HB 2380, AN ACT concerning the Veterans benefit lottery game; disposition of net profits; establishing the veterans benefit lottery game fund and the national guard benefit lottery game fund, by Committee on Appropriations.

HB 2381, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and

repealing the existing sections.

REPORT ON ENGROSSED BILLS

HB 2133 reported correctly engrossed March 10, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Friday, March 11, 2011.

Journal of the House

FORTIETH DAY

Hall of the House of Representatives, Topeka, KS, Friday, March 11, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Fund was excused on verified illness.

Reps. Montgomery, O'Hara and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
We come to the end of another week.
Thank you for Your faithfulness and grace.
Thank you for that which has been accomplished.
Thank you for the blessings You have given us.
Thank you for the protection You have provided for us.
Help us be diligent in the work we have before us today.
And as our members go their separate ways for the weekend, give them safety in their travels and qualitative time with their families.
Renew their spirit with times of rest and relaxation,
and bring them back revived and rejuvenated
to continue the work that lies before them.
I also ask that You be with Representative Brown's brother-in-law who is currently stranded in the Tokyo airport.
Protect him – give him a spirit of calmness –

Protect him – give him a spirit of calmness – and open the doors for his safe return.

In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Davis.

Kansas Trivia Question – What Kansas town was first named Palmetto, after the symbol for South Carolina?

Answer: Marysville.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2382, AN ACT making and concerning appropriations for the fiscal years ending

June, 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2383, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **HB 2380**. Taxation: **HB 2378**, **HB 2379**, **HB 2381**.

Transportation: HCR 5025.

MESSAGE FROM THE SENATE

Announcing passage of SB 152, SB 182, SB 185, SB 196, SB 213, SB 214. Announcing passage of HB 2003, HB 2057. Announcing passage of HB 2175, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 152, SB 182, SB 185, SB 196, SB 213, SB 214.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5016, A CONCURRENT RESOLUTION urging the United States Congress to extend equal benefits and compensation for the treatment of Agent Orange exposure to Vietnam era veterans who served outside of Vietnam, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto,

Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kelley, Montgomery, O'Hara, Peterson, Rhoades.

The resolution was adopted, as amended.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Landwehr in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Mah, **SB 67** be amended on page 2, in line 37, after "(i)" by inserting "(1)"; in line 39, by striking "either shall be";

On page 3, by striking all in lines 1 and 2; in line 4, by striking the colon; in line 5, by striking "(1)"; in line 6, by striking ": (A)" and inserting ", in"; in line 9, by striking "; or (B)" and inserting ", or"; by striking all in line 11 and inserting "deposit."; in line 14, after "(2)" by inserting "Any residual funds not otherwise obligated shall either be:

- (A) Donated to any charitable organization which qualifies as a 501(c)(3) not-forprofit corporation under the federal internal revenue code; or
- (B) shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit such money";

Also, on motion of Rep. Dillmore to rerefer **SB 67** to Committee on Elections, the motion did not prevail and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2318** be adopted; and the substitute bill be passed.

Committee report to **HB 2321** be adopted; and the bill be passed as amended.

On motion of Rep. Colloton, **HB 2339** be amended on page 69, in line 7, after "(6)" by inserting "knowingly and maliciously":

On page 72, in line 1, after "dog" by inserting ", with no requirement of culpable mental state":

On page 219, in line 17, by striking "the effective date of this act" and inserting "May 25, 2000";

On page 322, in line 43, after "21-3502," by inserting "prior to its repeal,";

On page 323, in line 1, after "Kansas," by inserting "and amendments thereto,"; in line 2, after "3503," by inserting "prior to its repeal,"; in line 3, after "Kansas," by inserting "and amendments thereto,"; also in line 3, after "21-3504," by inserting "prior to its repeal,"; in line 4, after "Kansas," by inserting "and amendments thereto,"; in line 5, after "21-3505," by inserting "prior to its repeal,"; in line 6, after "Kansas," by inserting "and amendments thereto,"; in line 7, after "21-3506," by inserting "prior to its repeal,"; in line 8, after "Kansas," by inserting "and amendments thereto,"; also in line 8, after "21-3602," by inserting "prior to its repeal,"; in line 10, after "Kansas," by inserting "and amendments thereto,"; also in line 10, after "21-3603," by inserting "prior to its repeal,"; in line 11, after "Kansas," by inserting "and amendments thereto,"; also

in line 11, by striking ", and"; in line 12, by striking all before the period;

On page 464, following line 3, by inserting:

- "Sec. 285. Section 79 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 79. (a) Abuse of a child is knowingly:
- (1) Torturing, or cruelly beating or shaking any child under the age of 18 years which results in great bodily harm to the child;
- (2) shaking any child under the age of 18 years which results in great bodily harm to the child; or
- $\frac{(2)(3)}{(2)}$ inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.
 - (b) Abuse of a child is a severity level 5, person felony.
- (c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.
- Sec. 286. Section 228 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 228. (a) Unlawful conduct of cockfighting is:
- (1) Causing, for amusement or gain, any gamecock to fight with or injure or kill another gamecock, with no requirement of culpable mental state;
- (2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control; or
- (3) training, grooming, preparing or medicating any gamecock with the intent of having it fight with or injure or kill another gamecock.
- (b) Unlawful possession of cockfighting paraphernalia is possession of with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers or anything worn by a gamecock during a fight to further the killing power of such gamecock.
- (c) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.
 - (d) (1) Unlawful conduct of cockfighting is a level 10, nonperson felony.
- (2) Unlawful possession of cockfighting paraphernalia is a class A nonperson misdemeanor.
 - (3) Unlawful attendance of cockfighting is a class B nonperson misdemeanor.
- (e) As used in this section, "gamecock" means a domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl.
- (f) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.
- Sec. 287. K.S.A. 2010 Supp. 21-36a03 is hereby amended to read as follows: 21-36a03. (a) It shall be unlawful for any person to manufacture any controlled substance or controlled substance analog.
- (b) Violation or attempted violation of subsection (a) is a drug severity level 1 felony. The provisions of subsection (d) of K.S.A. 21-3301section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of attempting to unlawfully manufacture any controlled substance pursuant to this section.
- (c) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to re-offend, the court imposes pretrial supervision, or the defendant agrees to

participate in a licensed or certified drug treatment program.

- (d) The sentence of a person who violates this section shall not be subject to statutory provisions for suspended sentence, community service work or probation.
- (e) The sentence of a person who violates this section or K.S.A. 65-4159 prior to its repeal, shall not be reduced because these sections prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to such sections repeal, or K.S.A. 2010 Supp. 21-36a05, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 464, in line 4, by striking "Sec. 285." where it appears for the second time; in line 20, after "21-3608a," by inserting "21-36a03,"; in line 39, after "Supp." by inserting "8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas:":

On page 465, in line 3, after "78," by inserting "79,"; in line 4, after "225," by inserting "228,";

On page 1, in the title, in line 11, after "75-5269;" by inserting "K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas;"; in line 13, by striking "8-1567,"; in line 15, after "21-3221," by inserting "21-36a03,"; in line 33, after "78," by inserting "79,"; in line 35, after "225," by inserting "228,";

On page 2, in the title, in line 8, after "Supp." by inserting "8-1567,"; and **HB 2339** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture and Natural Resources recommends SB 123 be passed.

Committee on Agriculture and Natural Resources recommends SB 124 be amended on page 2, in line 4, by striking "river" and inserting "water supply";

On page 3, in line 9, after "hill" by inserting "water supply"; in line 13, after "hill" by inserting "water supply":

On page 7, in line 26, by striking "irrigation"; also in line 26, after "special" by inserting "irrigation";

On page 8, in line 30, after "special" by inserting "irrigation"; in line 35, by striking "river"; and the bill be passed as amended.

Committee on Energy and Utilities recommends HCR 5023 be adopted.

Committee on **Health and Human Services** recommends **HR 6011** be amended on page 1, in line 4, by striking "("Obamacare")"; in line 6, by striking "Obamacare" and inserting "The Patient Protection and Affordable Care Act"; in line 15, by striking "Obamacare; and" and inserting "the Patient Protection and Affordable Care Act; and"; in line 18, by striking "Obamacare" and inserting "the Patient Protection and Affordable Care Act"; in line 24, by striking "Obamacare's" and inserting "the Patient Protection and Affordable Care Act's"; in line 28, by striking "Obamacare" and inserting "the Patient Protection and Affordable Care Act":

On page 2, in line 5, by striking "Obamacare" and inserting "the Patient Protection and Affordable Care Act"; in line 8, by striking "Obamacare" and inserting "The Patient Protection and Affordable Care Act"; in line 22, by striking "Obamacare" and inserting "the Patient Protection and Affordable Care Act"; in line 27, by striking "Obamacare" and inserting "the Patient Protection and Affordable Care Act";

On page 1, in the title, in line 2, by striking "Obamacare." and inserting "the federal Patient Protection and Affordable Care Act."; and the resolution be adopted as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 57, by Representative Peck, Jr., congratulating Field-Kindley Memorial High School Debate Team for winning the 2011 Class 4A, 4 speaker state championship;

Request No. 58, by Representative Peck, Jr., congratulating Caney Valley high School Debate Team for winning the 2011 Class 3A-1A, 2 speaker state championship;

Request No. 59, by Representative Jim Kelly, congratulating Independence High School Debate Team for winning the 2011 Class 4A, 2 speaker state championship;

Request No. 60, by Representative Prescott, commending Bill and Kathy Kraus for their years of dedicated leadership and outstanding public service to the community of Burlingame;

Request No. 61, by Representative Wetta, congratulating John A. "Jack" Potucek, II for 40 years of dedicated service to local and state government:

Request No. 62, by Representative Donohoe, congratulating all team members and the coaching staff of the National High School Volleyball Team for winning the championship at St. James Academy;

Request No. 63, by Representative Vickery, congratulating Juanita Massey on her 100th birthday;

Request No. 64, by Representative Osterman, congratulating Andrea Hamersky on induction into Phi Theta Kappa;

Request No. 65, by Representative Osterman, congratulating Roberta Anis on induction into Phi Theta Kappa;

Request No. 66, by Representative Osterman, congratulating Morgan Cooper on induction into Phi Theta Kappa;

Request No. 67, by Representative Osterman, congratulating Myjaedah Ballard on induction into Phi Theta Kappa;

Request No. 68, by Representative Gregory, congratulating John and Bette Stefanik, II on their 50th wedding anniversary;

Request No. 69, by Representative Montgomery, congratulating Senior Police Officer Thomas Schatzle on twelve years of faithful service with the Olathe Police Department;

Request No. 70, by Representative Powell, congratulating Benjamin Hutchinson on being awarded the Eagle Scout Award:

Request No. 71, by Representative Swanson, congratulating Tony Fieze on his retirement from USD 473, Chapman Schools;

Request No. 72, by Representative O'Brien congratulating Jo Kissinger on being awarded the Gold Scout Award;

Request No. 73, by Representative Prescott congratulating Osage City High School on winning the 2011 3A State Volleyball Championship;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2384, AN ACT concerning civil procedure; relating to exercise of religion, by Committee on Federal and State Affairs.

HB 2385, AN ACT concerning school districts; creating the relevant efficient academic learning education act; amending K.S.A. 72-8233 and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-6422, 72-6423, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446, 72-6447, 72-7105a, 72-8237 and 72-8238 and K.S.A. 2010 Supp. 72-3715, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6434, 72-6434b, 72-6435, 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456, 72-6457, 72-6458, 72-6459, 72-64501, 72-6403, 72-8248, 72-8249, 72-8250, 72-8254, 72-9509 and 72-9609, by Committee on Federal and State Affairs.

HB 2386, AN ACT concerning animal shelters; amending K.S.A. 47-1731 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2387, AN ACT concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-713 and 41-1101 and K.S.A. 2010 Supp. 41-102, 41-301, 41-303, 41-311, 41-313, 41-326 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103, 41-308 and 41-711, by Committee on Federal and State Affairs.

HB 2388, AN ACT concerning housing; relating to the Kansas development finance authority; authorizing the issuance of mortgage revenue bonds; amending K.S.A. 74-8903 and 74-8912 and K.S.A. 2010 Supp. 74-8902, 74-8904 and 74-8905 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5016 reported correctly engrossed March 10, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Monday, March 14, 2011.

Journal of the House

FORTY-FIRST DAY

Hall of the House of Representatives, Topeka, KS, Monday, March 14, 2011, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

Rep. K. Wolf was excused on excused absence by the Speaker.

Present later: Rep. K. Wolf.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Today I feel led to pray a prayer with which we are familiar: "God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference. Living one day at a time; Enjoying one moment at a time; Accepting hardships as the pathway to peace; Taking, as He did, this sinful world as it is, not as I would have it; Trusting that He will make all things right if I surrender to His Will; That I may be reasonably happy in this life and supremely happy with Him forever in the next." --Reinhold Niebuhr

Today I lift up Representative Fawcett and his family in the passing of his mother.

Give strength and comfort to them during these days.

It is in Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Mesa.

Kansas Trivia Question – Route 66, as the song goes, went "from Chicago to L.A., more than 2,000 miles all the way." How many of those miles were in Kansas? Answer: Approximately twelve miles near Galena.

INTRODUCTION OF GUESTS

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

It is my pleasure to present to the members of the Osage City Lady Indian State Volleyball team congratulations on being the 3A State Volleyball Champions. While these young ladies have achieved athletic success they also are academic champions. The disciplines they displayed on the gym floor have carried over to the classroom as well

While spending hours practicing many also found time to participate in Stuco, Pep Club, Art Club, Forensics, Spanish Club, Band, Kay Club, Newspaper, Year book and National Honor Society. To these ladies their grade point average is as important as their winning percentage.

Team members are: Team Co-Captains— Leah Garland, Carly Spicer, and Taylor Kimball. Other team members are: Keely Giesy, Kylie Lieber, Melissa Cox, Deidra Jones, Lauren Poertner, Kate Garland, Katelyn Payne, and Head Coach, Tara Durkin.

Congratulations Kansas 3A State Volleyball Champions, the Osage City Lady Indians!

Rep. Prescott presented the team with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2389, AN ACT concerning child abuse reporting; amending K.S.A. 2010 Supp. 38-2226 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: SB 152, SB 214.

Appropriations: HB 2382, HB 2383.

Education: HB 2385, HB 2386.

Federal and State Affairs: **HB 2384**, **HB 2387**. Financial Institutions: **HB 2388**; **SB 185**.

Taxation: SB 196.

Transportation: SB 213.

Transportation and Public Safety Budget: SB 182.

MESSAGE FROM THE GOVERNOR

HB 2033 approved on March 11, 2011.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 67, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or

not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Dillmore, Frownfelter, S. Gatewood, Kuether, Loganbill, Meier, Ruiz, Winn.

Present but not voting: None.

Absent or not voting: Fund, K. Wolf.

The bill passed, as amended.

Sub. HB 2318, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; sentencing guidelines grid for drug crimes; amending K.S.A. 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-36a01, 21-36a03, 21-36a05, 21-36a06, 21-36a09, 21-36a10, 21-36a13, 21-36a14, 21-36a16, 21-36a17, 22-2802, 22-3412, 22-3604, 22-3717, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376 and 75-5291 and sections 244, 248, 251, 254, 286, 289, 291, 302 and 305 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-4603d, 21-4619, 21-4710 and 22-3717c. , was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Dillmore, Gordon, Grosserode, Hildabrand, Lane, Patton, Peck,

Tyson, Ward.

Present but not voting: None.

Absent or not voting: Fund, K. Wolf.

The substitute bill passed.

HB 2321, AN ACT concerning crimes and punishment; creating the crime of endangerment; relating to further amendments to the recodified criminal code; amending K.S.A. 2010 Supp. 21-4010 and 21-4012 and sections 9, 11, 37, 61, 81, 92, 129, 130, 132, 165, 197, 223, 224 and 300 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-3302, 21-3446, 21-3447, 21-3506 and 21-4311. , was considered on final action.

On roll call, the vote was: Yeas 32; Nays 91; Present but not voting: 0; Absent or not voting: 2.

Yeas: Bethell, Boman, Bowers, Brookens, Collins, Colloton, Goico, Gonzalez, Hermanson, M. Holmes, Kelly, Kerschen, Kinzer, Montgomery, Moxley, O'Neal, Osterman, Otto, Pauls, Prescott, Rhoades, Ryckman, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Spalding, Vickrey, Weber, B. Wolf, Worley.

Nays: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, O'Brien, O'Hara, Patton, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Rubin, Ruiz, Scapa, Schwartz, Slattery, Sloan, Smith, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, K. Wolf.

The bill did not pass.

HB 2339, AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 8-254, 8-285, 8-1450, 9-2004, 19-101d, 19-27,139, 19-4804, 20-369, 22-2411, 22-2615, 22-2307, 22-2908, 22-3008, 22-3102, 22-3414, 22-3415, 22-3427, as amended by section 306 of chapter 136 of the 2010 Session Laws of Kansas, 22-3429, 22-3436, 22-3439, 22-3602, 22-3701, 22-3725, 22-4807a, 34-228, 34-249a, 36-602, 38-1132, 39-720, 39-785, 41-206, 44-1039, 46-920, 47-653c, 47-1715, 50-618, 50-648, 50-651, 50-653, 57-227, 58-2573, 60-523, 60-1620, 60-2610, 60-4111, 60-4402, 60-4404, 60-4405, 65-444, 65-1120, 65-2006, 65-2859, 65-28,108, 65-28a05, 65-4209, 65-6703, 65-6721, 68-422a, 74-7325, 74-7333, 75-4004, 75-5233 and 75-5269; K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas; K.S.A. 2010 Supp. 8-116a, 8-255, 8-262, 8-287, 8-2,144, 8-1013, 8-1102, 8-2106, 8-2117, 8-2410, 12-16,119, 12-4104, 12-4516, 12-4516a, 12-4517, 17-12a508, 20-2207, 20-2208, 20-3207, 21-3212a, 21-3220, 21-3221, 21-36a03, 22-2310, 22-2410, 22-2512, 22-2802, 22-2901, 22-2909, 22-3212, 22-3303, 22-3426, 22-3716, 22-3717, 22-3727, 22-3727a, 22-4614, 22-4616, 22-4617, 22-4902, 22-4906, 28-177, 32-1013.

32-1047, 32-1063, 36-604, 38-2202, 38-2255, 38-2271, 38-2302, 38-2303, 38-2309, 38-2310, 38-2312, 38-2313, 38-2326, 38-2331, 38-2355, 38-2356, 38-2361, 38-2364, 38-2365, 38-2371, 38-2377, 39-970, 40-252, 40-2,118, 40-1702, 40-3213, 41-346, 41-2611, 41-2708, 41-2905, 41-2906, 44-5,125, 44-706, 44-719, 44-1131, 45-217, 45-221, 45-230, 47-1706, 47-1707, 58-3043, 58-3068, 58-4505, 59-2132, 59-2948, 59-29a02, 59-29a07, 59-29a14, 59-29b48, 60-312, 60-455, 60-1610, 60-1629, 60-3107, 60-31a06, 60-4104, 60-4105, 60-4113, 60-4119, 60-4403, 60-5001, 65-448, 65-516, 65-1436, 65-1627, 65-2434, 65-2836, 65-5117, 66-2304, 72-1397, 72-5445, 74-4924, 74-5602, 74-7301, 74-7305, 74-8702, 74-9101, 75-452, 75-453, 75-755, 75-7601, 75-7613, 75-7603, 75-7c04, 75-7c05, 75-7c09, 75-7c17, 75-7c19, 75-7c26, 75-1508, 75-4362, 75-5133, 75-5218, 75-5291, 75-52,127, 75-52,144, 75-52,148 and 76-11a13; and Sections 2, 11, 21, 22, 23, 24, 25, 26, 28, 33, 34, 35, 39, 47, 48, 49, 52, 53, 56, 57, 60, 61, 62, 64, 67, 68, 70, 74, 76, 78, 79, 88, 96, 98, 105, 136, 139, 141, 147, 158, 159, 164, 177, 183, 186, 187, 188, 189, 190, 192, 194, 198, 209, 212, 223, 225, 228, 230, 232, 242, 243, 244, 247, 248, 254, 257, 259. 260, 262, 266, 267, 268, 269, 271, 285, 291, 292, 294, 298, 299 and 302 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 22-3220, K.S.A. 2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, 21-3412a, as amended by section 6 of chapter 101 of the 2010 Session Laws of Kansas, 21-4603d, as amended by Section 7 of chapter 101 of the 2010 Session Laws of Kansas, 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas; K.S.A. 2010 Supp. 8-1567, 21-3105, 21-3211, 21-3212, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218, 21-3301, 21-3302, 21-3303, 21-3437, 21-3446, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516, 21-3520, 21-3608a, 21-3826, 21-4018, 21-4201, 21-4203, 21-4204, 21-4218, 21-4226, 21-4311, 21-4316, 21-4603d, 21-4610a, 21-4619, 21-4623, 21-4624, 21-4632, 21-4634, 21-4642, 21-4643, 21-4704, 21-4710, 21-4718, 22-3212a, 22-3717c, 38-2255a and 65-516b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlson, Dillmore, Gregory, Hildabrand, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Fund, K. Wolf.

The bill passed, as amended.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **SB** 77 be adopted; also, roll call was demanded on motion of Rep. Slattery to amend on page 27, after line 16, by inserting:

"(3) a claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of employment consecutive to such waiting period.":

On roll call, the vote was: Yeas 39; Nays 81; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Bollier, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Roth, Ruiz, Schwartz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Schwab, Sloan, K. Wolf.

The motion of Rep. Slattery did not prevail.

Also, on motion of Rep. Brown, **SB** 77 be amended on page 1, by striking all in lines 8 through 31;

On page 1, in line 8, by striking "New Section 1" and inserting "Section 1";

And by renumbering the sections accordingly:

On page 22, in line 10, by striking "any or all" and inserting "each"; in line 27, by striking "any or all" and inserting "each";

On page 39, in line 29, after "2010" by inserting a comma;

On page 52, by striking all in lines 23 through 30; and inserting:

"(i) For each calendar year 2012, 2013 and 2014, an additional 0.10% of the taxable wages paid by all negative account balance employers with a negative reserve ratio between 0.0% and 19.9% shall be designated an interest assessment surcharge and paid into the employment security interest assessment fund for the purpose of paying interest due and owing on funds received from the federal unemployment account under title XII of the social security act. The total surcharges assessed, including the additional 0.10% surcharge mentioned above, on such employers are listed in schedule II column B2. For the calendar year 2015, and each calendar year thereafter, the surcharge rate for negative balance employers with a negative reserve ratio between 0.0% and 19.9% shall be as listed in schedule II column B1.

(ii) For the calendar year 2012, and each calendar year thereafter, an additional surcharge on negative balance employers with negative reserve ratio of 20.0% and higher shall be designated an interest assessment surcharge and deposited in the employment security interest assessment fund. The additional surcharge shall be used for the purposes of paying interest due and owing on fund received from the federal unemployment account under title XII of the social security act. The total surcharge including the additional surcharge on such employers is listed in schedule II column B3 of this section.";

Also on page 52, in line 31, by striking "(ii)"; and inserting "(iii)"; and redesignating the remaining subclauses accordingly; on line 33, by striking "amount of such surcharge" and inserting "surcharge amounts";

On page 53, by striking all in lines 24 through 43;

On pa	ige 54.	by striking	g all in lines	1 through 5	, and inserting:

"Column A	Column B1	Column B2	Column B3
Negative	Surcharge as a	Surcharge as	Surcharge as a
Reserve	percent of	percent of	percent of
Ratio	taxable wages	taxable wages	taxable wages
Less than 2.0%	0.20%	0.30%	
2.0% but less than 4.0	0.40	0.50	
4.0 but less than 6.0	0.60	0.70	
6.0 but less than 8.0	0.80	0.90	
8.0 but less than 10.0	1.00.	1.10	
10.0 but less than 12.0	1.20	1.30	
12.0 but less than 14.0	1.40.	1.50	
14.0 but less than 16.0	1.60	1.70	
16.0 but less than 18.0	1.80	1.90	
18.0 but less than 20.0	2.00	2.10	
20.0 but less than 22.0	2.00		2.20
22.0 but less than 24.0	2.00		2.40
24.0 but less than 26.0	2.00		2.60
26.0 but less than 28.0	2.00		2.80
28.0 but less than 30.0	2.00		3.00
30.0 but less than 32.0	2.00		3.20
32.0 but less than 34.0	2.00		3.40
34.0 but less than 36.0	2.00		3.60
36.0 but less than 38.0	2.00		3.80
38.0 and over	2.00		4.00";

On page 70, in line 41, after "for" by inserting "those employers with 50 or more employees and for";

On page 71, after line 2, by inserting:

"Sec. 8. K.S.A. 2010 Supp. 44-712 is hereby amended to read as follows: 44-712. (a) *Establishment and control*. There is hereby established as a special fund in the state treasury, separate and apart from all public moneys or funds of this state, an employment security fund, which shall be administered by the secretary as provided in this act. This fund shall consist of: (1) All contributions collected under this act; (2) interest earned upon any moneys in the fund; (3) all moneys credited to this state's

account in the federal unemployment trust fund, pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended; (4) any property or securities acquired through the use of moneys belonging to the fund, and all other moneys received for the fund from any other source; (5) all earnings of such property or securities. All moneys in this fund shall be mingled and undivided.

- (b) Accounts and deposits. The state treasurer shall be ex officio custodian of the fund. Payments from the fund, and for the purposes of this act deposits with the secretary of the treasury of the United States shall not be deemed to be payments from the fund, shall be made by any commercially-accepted means approved by the secretary. There shall be maintained within the fund three separate accounts: (1) A clearing account; (2) an unemployment trust fund account, and (3) a benefit account. All money payable to the fund upon receipt thereof by the secretary, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the clearing account of the fund. Refunds payable pursuant to K.S.A. 44-717, and amendments thereto, may be paid from the clearing account of the fund by any commercially-accepted means approved by the secretary. After clearance thereof, all other moneys in the clearing account of the fund shall be immediately deposited with the secretary of the treasury of the United States of America to the credit of the account of this state in the federal unemployment trust fund established and maintained pursuant to section 904 of the social security act, 42 U.S.C.A. § 1104, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account of the fund shall consist of all moneys requisitioned from this state's account in the federal unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts of the fund may be deposited by the state treasurer in any bank or public depository as is now provided by law for the deposit of general funds of the state, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and benefit accounts of the fund shall not be commingled with other state funds and shall be maintained in separate bank accounts.
- Withdrawals. Moneys shall be requisitioned from this state's account in the federal unemployment trust fund solely for the payment of benefits and in accordance with the provisions of this act and the rules and regulations adopted by the secretary. except that moneys credited to this state's account pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, shall be used exclusively as provided in subsection (d) of this section. The secretary shall from time to time requisition from the federal unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as deemed necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the state treasurer shall deposit such moneys in the benefit account of the fund and payments of benefits shall be charged solely against such benefit account of the fund. Expenditures of such moneys in the benefit account and refunds from the clearing account of the fund shall not be subject to any provisions of law requiring specific appropriations. Any balance of moneys requisitioned from the federal unemployment trust fund which remains unclaimed or unpaid in the benefit account of the fund after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the

payment of benefits during succeeding periods, or, in the discretion of the secretary shall be directed to be redeposited with the secretary of the treasury of the United States of America, to the credit of this state's account in the federal unemployment trust fund, as provided in subsection (b) of this section. All balances accrued from unpaid or canceled warrants issued pursuant to this section, notwithstanding the provisions of K.S.A. 10-812, and amendments thereto, shall remain in the benefit account of the fund, and be disbursed in accordance with the provisions of this act relating to such account.

- (d) Administrative use. (1) Money credited to the account of this state in the federal unemployment trust fund by the secretary of the treasury of the United States of America, pursuant to section 903 of the social security act. 42 U.S.C.A. § 1103, as amended, may be requisitioned and used for the payment of expenses incurred in the administration of this act pursuant to a specific appropriation by the legislature, if expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: (A) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (B) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (C) limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, 42 U.S.C.A.§ 1103, as amended, (ii) the aggregate of the amounts obligated pursuant to this subsection and amounts paid out for benefits and charged against the amounts credited to the account of this state. For the purposes of this subsection, amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged.
- (2) Money credited to the account of this state pursuant to section 903 of the social security act, 42 U.S.C.A. § 1103, as amended, may not be withdrawn or obligated except for the payment of benefits and for the payment of expenses for the administration of this act and of public employment offices pursuant to this subsection (d).
- (3) Money appropriated as provided by this subsection (d) for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition shall be deposited in the state treasury to the credit of the employment security administration fund from which such payments shall be made. Money so deposited and credited shall, until expended, remain a part of the federal unemployment trust fund, and, if it will not be expended, shall be returned promptly to the account of this state in the federal unemployment trust fund.
- (4) Notwithstanding paragraph (1), money credited with respect to federal fiscal years 1999, 2000 and 2001, shall be used solely for the administration of the UC program, and such money shall not otherwise be subject to the requirements of paragraph (1) when appropriated by the legislature.
- (e) Management of funds upon discontinuance of federal unemployment trust fund. The provisions of subsections (a), (b), (c) and (d) of this section, to the extent that they relate to the federal unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book

account of all funds deposited therein by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties or securities therein, belonging to the employment security fund of this state, shall be transferred to the state treasurer, to be administered by the secretary as a trust fund for the purpose of paying benefits under this act, and the director of investments upon the direction of the secretary shall have authority to hold, invest, transfer, sell, deposit, and release such moneys, and any properties, securities, or earnings acquired as an incident to such administration.

- (f) Loans from the pooled money investment board, when authorized. (1) Pursuant to K.S.A. 2010 Supp. 75-4209(d), and amendments thereto, the pooled money investment board is hereby authorized and directed to make loans as requested by the secretary of labor to fund debt obligations to the federal government as may have been, or continue to be, incurred by the employment security fund.
 - (A) The line of credit so extended shall be at an interest rate not to exceed 2%; and
- (B) shall remain in effect for a period of three years from the date of the first loan requested. The pooled money investment board may reauthorize this line of credit following the initial three year period if deemed mutually beneficial by the board and the secretary of labor.
- (2) The secretary of labor is hereby authorized to request and receive loans from the pooled money investment fund for the purposes described herein.
- (3) The outstanding balances of such loans in the aggregate shall not exceed the limit imposed by K.S.A. 2010 Supp. 75-4209(d), and amendments thereto.
- (4) Any such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.
- (5) The pooled money investment board, secretary of labor, and state treasurer shall coordinate as needed to make the appropriate transfers and payment of moneys anticipated hereunder.
- Sec. 9. K.S.A. 2010 Supp. 44-718 is hereby amended to read as follows: 44-718. (a) *Waiver of rights void.* No agreement by an individual to waive, release or commute such individual's rights to benefits or any other rights under this act shall be valid. No agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contribution or payments in lieu of contributions required under this act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from remuneration to finance the employer's contributions required from such employer, or require or accept any waiver of any right hereunder by any individual in such employer's employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than \$100 nor more than \$1,000 or be imprisoned for not more than six months, or both.
- (b) Limitation of fees. No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the secretary of labor or representatives of the secretary or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the secretary of labor or a court may be represented by counsel or other duly authorized agent, but no such counsel or agents shall either charge or receive

for such services more than an amount approved by the secretary of labor. Any person who violates any provision of this subsection shall, for each such offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

- (c) No assignment of benefits; exemptions. No assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this act shall be valid; and such rights to benefits shall be exempt from levy, except in accordance with section 6331 of the federal internal revenue code of 1986, and shall be exempt from, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by an individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessaries furnished to such individual or such individual's spouse or dependents during the time when such individual was unemployed. No waiver of any exemption provided for in this subsection shall be valid.
- (d) Support exception.(1) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes support obligations as defined under paragraph (7). If any such individual discloses that such individual owes support obligations, and is determined to be eligible for unemployment compensation, the secretary shall notify the state or local support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.
- (2) The secretary shall deduct and withhold from any unemployment compensation payable to an individual that owes support obligations as defined under paragraph (7):
- (A) The amount specified by the individual to the secretary to be deducted and withheld under this subsection, if neither (B) nor (C) is applicable; or
- (B) the amount, if any, determined pursuant to an agreement submitted to the secretary under section 454(20)(B)(i) of the social security act by the state or local support enforcement agency, unless subparagraph (C) is applicable; or
- (C) any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process (as that term is defined in section 459(i)(5) of the social security act) properly served upon the secretary.
- (3) Any amount deducted and withheld under paragraph (2) shall be paid by the secretary to the appropriate state or local support enforcement agency.
- (4) Any amount deducted and withheld under paragraph (2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local support enforcement agency in satisfaction of the individual's support obligations.
- (5) For purposes of paragraphs (1) through (4), "unemployment compensation" means any compensation payable under the employment security law after application of the recoupment provisions of subsection (d) of K.S.A. 44-719, and amendments thereto, (including amounts payable by the secretary pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment).
- (6) This subsection applies only if appropriate arrangements have been made for imbursement by the state or local support enforcement agency for the administrative costs incurred by the secretary under this section which are attributable to support obligations being enforced by the state or local support enforcement agency.
 - (7) For the purposes of this subsection, "support obligations" means only those

obligations which are being enforced pursuant to a plan described in section 454 of the federal social security act which has been approved by the secretary of health and human services under part D of title IV of the federal social security act.

- (8) For the purposes of this subsection, "state or local support enforcement agency" means any agency of this state or a political subdivision thereof operating pursuant to a plan described in paragraph (7).
- (e) (1) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, be advised that:
 - (A) Unemployment compensation is subject to federal, state and local income tax;
 - (B) requirements exist pertaining to estimated tax payments;
- (C) the individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal internal revenue code;
- (D) the individual may elect to have state income tax deducted and withheld at the rate of 3.5% from the individual's payment of unemployment compensation; and
- (D) (E) the individual shall be permitted to change a previously elected withholding status.
- (2) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal or state taxing authority as a payment of income tax.
- (3) The secretary shall follow all procedures specified by the United States department of labor and the federal internal revenue service pertaining to the deducting and withholding of income tax.
- (4) Amounts shall be deducted and withheld under this section only after amounts are deducted and withheld for any overpayments of unemployment compensation, child support obligations, food stamp overissuances or any other amounts required to be deducted and withheld under this act.
- (f) (1) An individual filing a new claim for unemployment compensation at the time of filing such claim, shall disclose whether or not such individual owes an uncollected overissuance (as defined in section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons. The secretary shall notify the state food stamp agency enforcing such obligation of any individual who discloses that such individual owes an uncollected overissuance of food stamps and who is determined to be eligible for unemployment compensation.
- (2) The secretary shall deduct and withhold from any unemployment compensation payable to an individual who owes an uncollected overissuance:
- (A) The amount specified by the individual to the secretary to be deducted and withheld under this clause:
- (B) the amount (if any) determined pursuant to an agreement submitted to the state food stamp agency under section 13(c)(3)(A) of the Food Stamp Act of 1977; or
- (C) any amount otherwise required to be deducted and withheld from unemployment compensation pursuant to section 13(c)(3)(B) of such act.
- (3) Any amount deducted and withheld under this section shall be paid by the secretary to the appropriate state food stamp agency.
- (4) Any amount deducted and withheld under subsection (b) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state food stamp agency as repayment of the individual's

uncollected overissuance.

- (5) For purposes of this section, the term "unemployment compensation" means any compensation payable under this act including amounts payable by the secretary pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.
- (6) This section applies only if arrangements have been made for reimbursement by the state food stamp agency for the administrative costs incurred by the secretary under this section which are attributable to the repayment of uncollected overissuances to the state food stamp agency.";

And by renumbering sections accordingly;

Also on page 71, in line 4, by striking "and 44-717" and inserting ", 44-712, 44-717 and 44-718";

On page 1, in the title, in line 3 following the semicolon, where it appears for the second time by inserting "allowing withholding of taxes from unemployment compensation;"; in line 4, by striking "and", in line 5, by striking "44-717" and inserting ", 44-712, 44-717 and 44-718"; and **SB 77** be passed as a amended.

On motion of Rep. Rhoades to amend **HB 2374**, Rep. Phelps requested the question be divided. The question was divided. On Part A, Rep. Rhoades offered a motion to rerefer the bill to Committee on Appropriations. The motion prevailed and **HB 2374** be rereferred to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfreid pursuant to House Rule 2311, SB 77 was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 77, AN ACT concerning the employment security act; creating an assessment for the payment of interest on advances received from the federal government; removing the waiting week extension; pertaining to benefits; allowing withholding of taxes from unemployment compensation; amending K.S.A. 2010 Supp. 44-703, 44-704a, 44-705, 44-706, 44-710, 44-710a, 44-712, 44-717 and 44-718 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 90; Nays 33; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether,

Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Peterson.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2357** be amended on page 1, in line 4, after "(a)" by inserting "(1)"; in line 8, by striking "Kansas-Colorado"; in line 9, by striking the period and inserting:

- ", except that, after all expenditures are made during the fiscal year for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, then, in accordance with the following priorities and subject to the expenditure limitations prescribed therefor:
- (A) First, any remaining moneys authorized to be expended from the fund for the fiscal year shall be expended for the purposes of livestock market reporting in an amount not to exceed \$20,000 in a fiscal year; and
- (B) second, if there are any remaining moneys authorized to be expended from the fund for the fiscal year after the expenditures for livestock market reporting, then expenditures shall be made from the fund for the purpose of funding the bluestem pasture report in an amount not to exceed \$5,000.
 - (2) ";

Also on page 1, in line 18, after "fund." by inserting:

"When the total amount of moneys deposited in the fund is equal to or exceeds \$75,000, the secretary shall not credit any further moneys to the fund. When expenditures made from the fund result in the total amount of the moneys deposited in the fund to be less than \$75,000, the secretary may resume the assessment and collection of such moneys as provided in this section."; and the bill be passed as amended.

Committee on Elections recommends SB 103 be passed.

Committee on Energy and Utilities recommends HCR 5022 be adopted.

Committee on **Federal and State Affairs** recommends **HCR 5020** be adopted and, because the committee is of the opinion that the concurrent resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Taxation** recommends **HCR 5017** be adopted.

Committee on **Taxation** recommends **SB 212** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Taxation** recommends **SB 193** be amended on page 1, after line 5, by inserting the following:

"New Section 1. Except as otherwise provided, no deduction or credit provided under the Kansas income tax act, and amendments thereto, shall be allowed any individual who fails to provide a valid social security number issued to such individual, the individual's spouse and dependents of the individual for purposes of section 205(c) (2)(A) of the social security act on such individual's Kansas income tax return as the identifying number for such individual for tax purposes. The provisions of this section shall not apply to the credit provided by K.S.A. 79-32,111, and amendments thereto.

- Sec. 2. K.S.A. 2010 Supp. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. <u>Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such individual's federal income tax return, the social security number issued to an individual, the individual's spouse, and all dependents of such individual for purposes of section 205(c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.</u>
- (b) All returns shall be filed in the office of the director of taxation on or before the 15th day of the fourth month following the close of the taxable year, except as provided in subsection (c) hereof. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid, but no interest will be paid on any overpayment of tax liability, computed on such tentative return.
- (c) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.
- (d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a "combat zone" as defined under 26 U.S.C. § 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, in respect of to any tax liability, (including any interest, penalty, additional amount, or addition to the tax), of such individual:
- (1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof: (C) filing a notice of appeal with the director of taxation or the state court of tax appeals for redetermination of a deficiency or for a review of a decision rendered by either the director or the state court of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax: (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or his or her the director's agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;
 - (2) The amount of any credit or refund.

- (e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.
- (2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed (,determined after the application of such subsection) subsection (d), subsections (e)(5) and (e)(7) of K.S.A. 79-32,105, and amendments thereto, shall not apply.
- (f) The provisions of subsection (d) and the subsequent subsections of this section subsection (d) through (j) shall apply to the spouse of any individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, the preceding sentence this subsection shall not cause subsection (d) and the subsequent subsections of this section subsection (d) through (j) to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. § 112, and amendments thereto, as the date of termination of combatant activities in a combat zone.
- (g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. § 6013(f)(3).
- (h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d). In any case to which this paragraph subsections relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.
- (2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any action or proceeding by or on behalf of the state in connection therewith, may be made, taken, begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).
- (i) (1) Any individual who performed Desert Shield services, (and the spouse of such individual), shall be entitled to the benefits of subsection (d) and the subsequent subsections of this section subsections (d) through (j) in the same manner as if such services were services referred to in subsection (d).
- (2) For purposes of this subsection, the term "Desert Shield services" means any services in the armed forces of the United States or in support of such armed forces if:
 - (A) Such services are performed in the area designated by the president as the

"Persian Gulf Desert Shield area"; and

- (B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) subsection (i)(2)(A) is designated by the president as a combat zone pursuant to 26 U.S.C. § 112.
 - (j) For purposes of subsection (d), the term "qualified hospitalization" means:
 - (1) Any hospitalization outside the United States; and
- (2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this paragraph_subsection. This paragraph_subsection shall not apply for purposes of applying subsection (d) and the subsequent subsections of this section_subsections (d) through (j) with respect to the spouse of an individual entitled to the benefits of subsection (d).
- Sec. 3. K.S.A. 79-32,111a is hereby amended to read as follows: 79-32,111a. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 25% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.
- (b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.
- (c) No credit provided under this section shall be allowed any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual's spouse and every dependent of the individual.";

And by renumbering sections accordingly:

Also on page 1, in line 27, after "K.S.A." by inserting "79-32,111a and"; also in line 27, by striking "is" and inserting "and K.S.A. 2010 Supp. 79-3221 are";

Also on page 1, in the title, in line 1, by striking "sales" the first time it appears; also in line 1, by striking the second semicolon and inserting a comma; in line 2, after the semicolon, by inserting "income tax returns, social security numbers;"; also in line 2, after "K.S.A." by inserting 79-32,111a and"; in line 3, after "and" by inserting "K.S.A. 2010 Supp. 79-3221 and"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2390, AN ACT concerning KAN-ED; amending K.S.A. 2010 Supp. 66-2010 and repealing the existing section; also repealing K.S.A. 2010 Supp. 75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-7228, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of HB 2245 from Committee on

Appropriations and rereferral to Committee on Education.

Also, the withdrawal of **HB 2262** from Committee on General Government Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2296** from Committee on Appropriations and referral to Committee on Social Services Budget.

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

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

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2173** from Committee on Appropriations and rereferral to Committee on Transportation and Public Safety Budget.

Also, the withdrawal of HCR 5010 from the calendar under the heading General Orders and rereferral to Committee on Education.

Also, the withdrawal of SB 21 from the calendar under the heading General Orders and referral to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2374** be amended on page 1, in line 9, by striking "and"; in line 10, before "appropriations" by inserting "and June 30, 2013,"; following line 13, by inserting the following:

- "(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.
- (c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702, and amendments thereto.
- (d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.";

Also on page 1, in line 16, by striking "April"; in line 17, by striking "15" and inserting "June 1"; by striking all in lines 25 through 34 and inserting the following:

- "(2) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is more than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency.
- (3) (A) On June 3, 2011, of the \$291,602,545 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the KPERS employer contributions account, the sum determined by the director of accounts and reports as

prescribed in subsection (a)(3)(B) is hereby lapsed.

(B) On or before June 3, 2011, the director of accounts and reports shall determine the sum equal to \$69,200,000 reduced by the amount equal to the amount transferred on June 3, 2011, from the KPERS – employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.";

On page 2, following line 12, by inserting the following:

- "(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

 Special education services aid.......\$21,240,000
- (c) (1) On July 1, 2011, of the \$1,902,775,680 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 56(a) of 2011 Senate Bill No. 2383 from the state general fund in the general state aid account, the sum determined by the director of accounts and reports as prescribed in subsection (c)(2) is hereby lapsed.
- (2) On or before July 1, 2011, the director of accounts and reports shall determine the sum equal to \$21,240,000 reduced by the aggregate of (A) the amount of \$9,322,755 plus (B) the amount equal to the amount transferred on June 3, 2011, from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.
- (d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Sec. 3.

ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the abstracters' fee fund of the abstracters' board of examiners is hereby decreased from \$24,088 to \$23,419.

Sec. 4.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the governmental ethics commission fee fund of the governmental ethics commission is hereby decreased from \$291,764 to \$263,176.

Sec. 5.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 11(b) of chapter 165 of the 2010 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from \$35,750 to \$16,800.

Sec. 6.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the board of nursing

fee fund of the board of nursing is hereby increased from \$1,904,365 to \$1,952,425. Sec. 7.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, there is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Provided, That the state board of pharmacy is authorized to apply for and to accept grants and may accept donations, bequests or gifts from any non-federal source: Provided, however, That all moneys received for such grants, donations, bequests or gifts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from this fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Sec. 8.

STATE BOARD OF TECHNICAL PROFESSIONS

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the technical professions fee fund of the state board of technical professions is hereby increased from \$589,122 to \$609,122.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on expenditures for official hospitality from the technical professions fee fund of the state board of technical professions is hereby increased from \$500 to \$1,000.

Sec. 9.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$268,382 to \$265,522.

Sec. 10.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,350,937 from the Kansas endowment for youth fund to the children's initiatives fund.

Sec. 11.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the \$2,470,809 appropriated for the above

agency for the fiscal year ending June 30, 2011, by section 114(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the restructuring debt service account, the sum of \$158,816 is hereby lapsed.

- (b) On the effective date of this act, of the \$16,271,413 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 114(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the statehouse improvements debt service account, the sum of \$53,840 is hereby lapsed.
- (c)(1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: *Provided further*, That, on or before March 31, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and the chairs of the committee on appropriations of the house of representatives and the committee on ways and means of the senate.
- (2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.

Sec. 12.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) In addition to the other purposes for which expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for the office of administrative hearings as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for official hospitality: *Provided*, That expenditures from the administrative hearings office fund for fiscal year 2011 for official hospitality shall not exceed \$100.

Sec. 13.

CITIZENS' UTILITY RATEPAYER BOARD

- (a)(1) On and after the effective date of this act, notwithstanding the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas or any other statute, no expenditures shall be made for fiscal year 2011 from the utility regulatory fee fund by the citizens' utility ratepayer board of the amount equal to the final aggregate amount of unexpended and unencumbered expenditure authority for fiscal year 2010, pursuant to and as authorized for expenditure for fiscal year 2011 as provided by section 47(c) of chapter 124 of the 2009 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
 - (2) On and after the effective date of this act, during the fiscal year ending June 30.

2011, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2011 as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by section 47(a) of chapter 124 of the 2009 Session Laws of Kansas are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.

Sec. 14.

DEPARTMENT OF COMMERCE

- (a) On the effective date of this act, of the \$307,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 67(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$61,410 is hereby lapsed.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 67(b) of chapter 165 of the 2010 Session Laws of Kansas on the state affordable airfare fund of the department of commerce is hereby increased from \$5,000,000 to \$5,125,000.
- (c) On the effective date of this act, the amount directed by section 67(e) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on December 15, 2010, or as soon thereafter as moneys are available, is hereby decreased from \$625,000 to \$0: Provided, That, on the effective date of this act, any moneys transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on or after December 15, 2010, pursuant to section 67(e) of chapter 165 of the 2010 Session Laws of Kansas, shall be transferred from the Kansas economic opportunity initiatives fund of the department of commerce to the state economic development initiatives fund by the director of accounts and reports.

Sec. 15.

STATE CORPORATION COMMISSION

- (a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2011, by section 59(b) of chapter 165 of the 2010 Session Laws of Kansas on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from \$16,468,621 to \$16,628,381.
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- (c) On the effective date of this act, the base state registration clearing fund of the state corporation commission is hereby redesignated as the unified carrier registration clearing fund of the state corporation commission, in accordance with K.S.A. 66-1.139a, and amendments thereto.
- (d) On the effective date of this act, the pipeline damage prevention grant program federal fund of the state corporation commission is hereby redesignated as the one call federal fund

Sec. 16

KANSAS, INC.

(a) On the effective date of this act, of the \$346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 68(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$88,756 is hereby lapsed.

Sec. 17.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 65(b) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2011, is hereby increased from \$70,400,000 to \$70,800,000.

Sec. 18.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$5,990,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 69(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$300,000 is hereby lapsed.

Sec. 19.

KANSAS RACING AND GAMING COMMISSION

Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gaming activities: Provided, however, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

- (b) On the effective date of this act, the director of accounts and reports shall transfer \$5,000 from the state racing fund of the Kansas racing and gaming commission to the illegal gambling enforcement fund of the Kansas racing and gaming commission.
- (c) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing reimbursable expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (d) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing investigative expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (e) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse fair racing benefit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (f) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing applicant deposit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (g) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse purse fund to the Kansas horse breeding development fund. On June 30, 2011, all liabilities of the horse purse fund are hereby transferred to and imposed on the Kansas horse breeding development fund and the horse purse fund is hereby abolished.
- (h) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the gaming machine examination fund to the expanded lottery act regulation fund. On June 30, 2011, all liabilities of the gaming machine examination fund are hereby transferred to and imposed on the expanded lottery act regulation fund and the gaming machine examination fund is hereby abolished.

Sec. 20.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$124,265 from the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue to the state economic development initiatives fund.

Sec. 21.

STATE COURT OF TAX APPEALS

(a) On the effective date of this act, of the \$1,348,927 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 63(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$40,454 is hereby lapsed.

Sec. 22.

ATTORNEY GENERAL

- (a) On the effective date of this act, of the \$2,020,652 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 49(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1.801 is hereby lapsed.
- (b) On the effective date of this act, of the \$310,522 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 49(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the internet training education for Kansas kids account, the sum of \$36,734 is hereby lapsed.

Sec. 23.

SECRETARY OF STATE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$82,010 from the HAVA ELVIS fund of the secretary of state to the democracy fund of the secretary of state to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Sec. 24

STATE TREASURER

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas post secondary education savings program trust fund of the state treasurer is hereby increased from \$265,000 to no limit.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas post secondary education savings program expense fund of the state treasurer is hereby increased from \$346,043 to no limit.
- (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpaver that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further. That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: And provided further. That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50.136, and amendments thereto.

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued

under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further. That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Sec. 25.

LEGISLATIVE COORDINATING COUNCIL

- (a) On the effective date of this act, of the \$727,436 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative coordinating council operations account, the sum of \$20 is hereby lapsed.
- (b) On the effective date of this act, of the \$3,215,664 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the office of revisor of statutes operations account, the sum of \$2,425 is hereby lapsed.
- (c) On the effective date of this act, of the \$3,684,673 appropriated for the above agency for the fiscal year ending June 30, 2011 by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative research department operations account, the sum of \$12,223 is hereby lapsed.

Sec. 26.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4,413 is hereby lapsed.

Sec. 27.

STATE FINANCE COUNCIL

- (a) On the effective date of this act, of the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, the sum of \$1,316,263 is hereby lapsed.
- (b) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments

(including fringe benefits) account, is hereby lapsed.

(c) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

Sec. 28.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

, , , ,	
Other medical assistance.	\$5,444,990
Community based services	. \$4,263,900
Mental health and retardation services aid and assistance	
Youth services aid and assistance	. \$4,413,425

- (b) On the effective date of this act, of the \$541,802 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$250,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the family centered system of care account, the sum of \$150,000 is hereby lapsed.
- (d) On the effective date of this act, of the \$1,400,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the child care account, the sum of \$163 is hereby lapsed.
- (e) On the effective date of this act, of the \$8,443,161 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet early childhood discretionary grant program account, the sum of \$251,003 is hereby lapsed.
- (f) On the effective date of this act, of the \$3,452,779 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early headstart account, the sum of \$306 is hereby lapsed.
- (g) On the effective date of this act, of the \$11,099,830 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early childhood block grant account, the sum of \$1,062,207 is hereby lapsed.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 77(b) of chapter 165 of the 2010 Session Laws of Kansas on the social welfare fund of the department of social and rehabilitation services is hereby decreased from \$39,303,198 to \$39,186,535.
- (i) On the effective date of this act, of the \$3,822,570 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service new state security hospital account, the sum of \$839,561 is hereby lapsed.
 - (i) On the effective date of this act, of the \$2,584.371 appropriated for the above

agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account, the sum of \$7,161 is hereby lapsed.

- (k) On the effective date of this act, of the \$14,342,009 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Osawatomie state hospital operating expenditures account, the sum of \$500,000 is hereby lapsed.
- (1) On the effective date of this act, of the \$4,524,298 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Rainbow mental health facility operating expenditures account, the sum of \$250,000 is hereby lapsed.
- (m) On July 1, 2011, of the \$6,000,000 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 54(c) of 2011 House Bill No. 2383 from the children's initiatives fund in the reading roadmap program account, the sum of \$2,000,000 is hereby lapsed.
- (n) On July 1, 2011, of the \$110,598,576 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 54(a) of 2011 House Bill No. 2383 from the state general fund in the youth services aid and assistance account, the sum of \$1,000,000 is hereby lapsed.
- (o) On July 1, 2011, of the \$114,872,589 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 54(a) of 2011 House Bill No. 2383 from the state general fund in the state operations account, the sum of \$750,000 is hereby lapsed.
- (p) On July 1, 2011, of the \$10,700,783 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 54(a) of 2011 House Bill No. 2383 from the state general fund in the Parsons state hospital and training center operating expenditures account, the sum of \$66,279 is hereby lapsed.
- (q) On the effective date of this act, of the \$10,447,821 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Parson's state hospital and training center operating expenditures account, the sum of \$63,618 is hereby lapsed.

Sec. 29.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

(b) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2011, by section 75(b) of chapter 165 of the 2010 Session Laws of Kansas on the state licensure fee fund of the department on aging is hereby decreased from \$1,144,569 to \$1,115,927.

(c) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Health policy nursing facility quality care fund.....\$19,501,789

Sec. 30

KANSAS HEALTH POLICY AUTHORITY

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

 Other medical assistance......\$30,526,618
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the medical programs fee fund of the Kansas health policy authority is hereby increased from \$54,284,610 to \$54,480,402.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the other state fees fund of the Kansas health policy authority is hereby increased from \$0 to \$502,180.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the health care access improvement fund of the Kansas health policy authority is hereby decreased from \$37,390,236 to \$34,700,000.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the preventive health care program fund of the Kansas health policy authority is hereby increased from \$519,240 to \$656,100.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17 (b) of chapter 165 of the 2010 Session Laws of Kansas on the health committee insurance fund of the Kansas health policy authority is hereby increased from \$248,575 to \$290,117.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the state workers compensation self-insurance fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$3,724,910 to \$3,785,193: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the

cafeteria benefits fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$2,324,247 to \$2,324,908: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

- (i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the dependent care assistance program fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$226,327 to \$429,628: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the dependent care assistance program fund: *Provided further*, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (j) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Quality care fund.......\$0 Sec. 31.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

- (a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:
- (b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 33.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

- (b) On the effective date of this act, of the \$457,394 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures administration account, the sum of \$15,241 is hereby lapsed.
- (c) On the effective date of this act, of the \$1,173,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures veteran services account, the sum of \$26,050 is hereby lapsed.
- (d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas commission on veterans affairs as authorized by section 72 of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas commission on veterans affairs from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 for medicare billing software: *Provided*, That the aggregate amount of such expenditures for fiscal year 2011 for medicare billing software shall not exceed \$20,000.
- (e) On the effective date of this act, the director of accounts and reports shall transfer \$25,000 from the scratch lotto veterans services account of the state general fund to the Vietnam war era veterans' recognition award fund of the Kansas commission on veterans affairs: Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, expenditures shall be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, to acquire and send the appropriate medallions and certificates to all qualifying veterans whose applications for such medallions and certificates have been received by June 1, 2011.

Sec. 34.

DEPARTMENT OF EDUCATION

- (a) On the effective date of this act, of the \$1,961,339,680 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$85,948,820 is hereby lapsed.
- (b) On the effective date of this act, of the \$7,539,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the parent education program account, the sum of \$180,370 is hereby lapsed.
- (c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the

2010 Session Laws of Kansas from the children's initiatives fund in the Pre-K program account, the sum of \$119,630 is hereby lapsed.

(d) During the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the department of education from the special education services aid account of the state general fund for fiscal year 2011 for special education services aid as authorized by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 2010 Supp. 72-998, and amendments thereto, or any other statute, the department of education shall make expenditures from the special education services aid account of the state general fund for fiscal year 2011 for a payment to each school district, as defined by K.S.A. 72-962, and amendments thereto, that received an amount of medicaid replacement state aid for the 2010-2011 school year that was more than \$300,000 less than the amount of medicaid replacement state aid received for the 2009-2010 school year due to the loss of attendant care medicaid revenue from the Kansas health policy authority for school year 2010-2011: Provided, That the amount of such payment shall be equal to (1) the amount by which the medicaid replacement state aid received by the school district for the 2009-2010 school year is greater than the total of the medicaid replacement state aid for the 2010-2011 school year plus \$300,000, minus (2) the total received by the school district for increases in other medicaid reimbursements for the 2010-2011school year: Provided further, That each such payment shall be made from the amount designated by the state board of education pursuant to K.S.A. 2010 Supp. 72-998, and amendments thereto, for medicaid replacement state aid for the 2010-2011 school year.

Sec. 35.

STATE BOARD OF REGENTS

(a) On the effective date of this act, of the \$6,219,875 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 131(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the PEI infrastructure debt service account, the sum of \$ 2,322,229 is hereby lapsed.

Sec. 36.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the standardized water data repository fund to the state water plan fund. On the effective date of this act, all liabilities of the standardized water data repository fund are hereby transferred to and imposed on the state water plan fund and the standardized water data repository fund is hereby abolished.

Sec. 37.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 38.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$5,385,207 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 82(a) of chapter 165 of the

2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$63,850 is hereby lapsed.

- (b) On July 1, 2011, of the \$5,223,858 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 58(a) of 2011 House Bill No. 2383 from the state general fund in the operating expenditures account, the sum of \$31,979 is hereby lapsed.
- (c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

 Energy conservation improvement debt service......\$30,509
- (d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

 Energy conservation improvement debt service......\$31,979

Sec. 39.

KANSAS STATE SCHOOL FOR THE DEAF

- (a) On the effective date of this act, of the \$8,890,257 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$63,850 is hereby lapsed.
- (b) On July 1, 2011, of the \$8,658,861 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 59(a) of 2011 House Bill No. 2383 from the state general fund in the operating expenditures account, the sum of \$66,520 is hereby lapsed.
- (c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service.......\$66,520

Sec. 40.

KANSAS ARTS COMMISSION

(a) On the effective date of this act, of the \$256,684 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 81(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$13,310 is hereby lapsed.

Sec 41

DEPARTMENT OF CORRECTIONS

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

 Operating expenditures......\$472,709
- (b) On the effective date of this act, of the \$13,700,482 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of \$3,500,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$13,084,057 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the

- 2010 Session Laws of Kansas from the state general fund in the Topeka correctional facility facilities operations account, the sum of \$200 is hereby lapsed.
- (d) On the effective date of this act, of the \$8,308,154 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility facilities operations account, the sum of \$500 is hereby lapsed.
- (e) On the effective date of this act, of the \$38,326,136 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Lansing correctional facility facilities operations account, the sum of \$500 is hereby lapsed.
- (f) On the effective date of this act, of the \$12,936,609 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility facilities operations account, the sum of \$442 is hereby lapsed.
- (g) On the effective date of this act, of the \$5,301,602 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Norton correctional facility facilities operations account, the sum of \$991 is hereby lapsed.
- (h) On the effective date of this act, of the \$3,088,303 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 132(b) of chapter 165 of the 2010 Session Laws of Kansas from the correctional institutions building fund in the capital improvements rehabilitation and repair of correctional institutions account, the sum of \$374,471 is hereby lapsed.

Sec. 42.

JUVENILE JUSTICE AUTHORITY

- (a) On the effective date of this act, of the \$23,331,916 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 96(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$3,336,312 is hereby lapsed.
- (b) On the effective date of this act, of the \$4,000,013 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 133(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service Topeka complex and Larned juvenile correctional facility account, the sum of \$2,411 is hereby lapsed.
- (c) On the effective date of this act, of the \$87,682 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 157(a) of chapter 131 of the 2008 Session Laws of Kansas from the state institutions building fund in the raze Atchison juvenile correctional facility maintenance building account, the sum of \$3,148 is hereby lapsed.
- (d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2012, the following:

Prevention and graduated sanctions community grants.....\$2,000,000

- (e) Any unencumbered balance in the prevention and graduated sanctions community grants account of the state general fund in excess of \$100 as of June 30, 2012, is hereby reappropriated for the above agency for fiscal year 2013.
- (f) On July 1, 2011, of the \$20,683,874 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 72(a) of 2011 House Bill No. 2383 from

the state general fund in the prevention and graduated sanctions community grants account, the sum of \$2,000,000 is hereby lapsed.

Sec. 43.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$2,478,091 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 135(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the debt service – rehabilitation and repair of the statewide armories account, the sum of \$3,960 is hereby lapsed.

Sec. 44.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,393,582 to \$1,518,582.

Sec. 45.

STATE FIRE MARSHAL

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the fire marshal fee fund of the state fire marshal is hereby decreased from \$3.629.360 to \$3.626.625.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$52,509 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 46.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the \$510,135 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 99(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$982 is hereby lapsed.

Sec. 47.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

- (a) On June 30, 2011, the director of accounts and reports shall transfer \$500,000 from the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*; That the amount transferred from the Kansas commission on peace officers' standards and training fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 104(a) of chapter 165 of the 2010 Session

Laws of Kansas on the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training is hereby decreased from \$650,005 to \$549,246.

Sec 48

KANSAS DEPARTMENT OF AGRICULTURE

- (a) On the effective date of this act, the director of accounts and reports shall transfer \$3,081 from the state highway fund of the department of transportation to the water structures state highway fund of the Kansas department of agriculture.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water structures state highway fund of the Kansas department of agriculture is hereby increased from \$104,832 to no limit.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water appropriation certification fund of the Kansas department of agriculture is hereby increased from \$553,868 to no limit.

Sec. 49.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

- (a) On the effective date of this act, of the \$74,264 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of \$65,000 is hereby lapsed.
- (b) On the effective date of this act, of the \$36,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$7,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$18,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of \$4,000 is hereby lapsed.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made

by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$260,000

Sec. 50.

KANSAS WATER OFFICE

Sec. 51. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any professional or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 52.

ATTORNEY GENERAL - KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 53. (a)(1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to

- K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903,75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first

payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.
- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch:
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;
- (3) "compensation" means any salary or per diem compensation provided by law for a state officer.
 - Sec. 54. (a) On July 1, 2012, of the amount in each account of the state general

fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by 2011 House Bill No. 2283, or by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for fiscal year 2012 for payment of longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, and including the additional amount of longevity bonus payment as provided in subsection (b) of section 86 of 2011 House Bill No. 2383, the amount equal to the amount budgeted for fiscal year 2012 in each such account of the state general fund for such longevity bonus payments, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

- Sec. 55. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.
- (b) As used in this section "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.
- Sec. 56. Appeals to exceed expenditure limitations. (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.
- (b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.
- Sec. 57. Severability. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.":

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

REPORT ON ENGROSSED BILLS

HB 2321, HB 2339 reported correctly engrossed March 14, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Tuesday, March 15, 2011.

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, March 15, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Fund, Kiegerl and Schwab were excused on verified illness.

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

Prayer by guest chaplain, Bishop David Fowles, Church of Jesus Christ of Latter-Day Saints, Leavenworth, guest of Rep. O'Brien:

Our Father in Heaven, we come before thee this day and express our gratitude for our bounteous blessings. We thank thee for our lives, our liberty and the freedoms we enjoy. We thank thee for this great country and this State of Kansas in which we live and pray that Thou will bless those that lead us. Bless them with wisdom and understanding, courage and humility.

We are grateful for our servicemen and women who serve around the world, who serve selflessly—bless them with physical, mental and spiritual strength. And please bless and comfort their families who sacrifice so much.

We are especially mindful this day of the great tragedy that has recently occurred in Japan. Father, we pray for thy tender mercies to be upon all those who are suffering in so many ways. Bless them to find peace in Thee, even in the midst of chaos and confusion. May we all, as thy sons and daughters, unite in the hope of brighter days ahead.

Now, Father, we pray for those gathered in this Chamber. We express our gratitude for those who serve so faithfully and well. Bless them to always remember those whom they serve as they carry out their various duties and responsibilities. Bless them with wisdom and goodness. And we ask that thou would bless their families for the many sacrifices that they make.

We are ever so grateful for Thy love, Thy care and Thy compassion. Bless us as we go forward that we might do all that we can to follow Thee and to do Thy will.

In the name of Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. McLeland.

Kansas Trivia Question – Hector, a ghost town in Greeley County, was named after what friend of Horace Greeley?

Answer: Greeley's dog

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Hill are spread upon the journal:

Today we have the opportunity to affirm and raise awareness of the great work that our Small Business Development Centers are doing and to recognize the outstanding 2010 emerging and existing small businesses of the year. These fifteen businesses represent economic vitality and human vibrancy in the communities they serve. These businesses have achieved major accomplishments: established growing businesses, demonstrated vision, problem solving and exemplary corporate citizenship. Entrepreneurship is one of the most powerful drivers of growth and prosperity in our Kansas economy. It is the primary source of job creation and economic competitiveness. Challenging economic times have proven to be good times to launch a new business. In 2010 there were over two thousand businesses in Kansas that received KSBDC services including our honorees today. It is the priority of KSBDC to reach as many potential entrepreneurs a s possible and provide tools and services for Kansans in all parts of the state. The entrepreneurial spirit and energy represented by those we recognize today provides a source of encouragement and optimism as together we welcome the opportunities of economic recovery.

This afternoon from 3:00 to 5:00 at the Dillon House there will be a program and awards ceremony recognizing the businesses we are pleased to welcome to our House Chamber this morning.

Mr. Speaker, I would like to introduce these outstanding entrepreneurs: Emerging businesses: from Representative Arpke's District – Thiessen-Elise Salon; from Representatives Keuther's District – Say Cheez Photo Booth; from Representative Feuerborn's District – Audio Video Concepts; from Representative Meigs' District – The Next Step; from Representative Mesa's District – Accelacare Physical Therapy; from Representative Phelps' District – Couture for Men; from Representative Mast's District – The New Breck.

Existing businesses: from Representative Victor's District – Intake Studio; from Representative Fund's District – Lifetime Eye Care; from Representative Otto's District – TLC Greenhouse; from Representative Sloan's District – Printpop.com; from Representative Rubin's District – Weather or Not, Inc.; from Representative Hoffman's District – Fleener Funeral Home; from Representative Bill Wolf's District – T&C Manufacturing; and last but not least from Representative Hill's District – Granada Coffee Company.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2391, AN ACT concerning anemometer towers; relating to required markings; penalties, by Committee on Taxation.

HB 2392, AN ACT concerning setoff against certain debtors; relating to federal department of the treasury, agreements, procedure and fees; amending K.S.A. 75-6204 and K.S.A. 2010 Supp. 75-6202 and repealing the existing sections, by Committee on Taxation

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2390**. Judiciary: **HB 2389**.

COMMUNICATIONS FROM STATE OFFICERS

From Ray Roberts, Secretary, Kansas Department of Corrections, in accordance with the provisions of K.S.A. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for December 1, 2009 through December 1, 2010.

From Valdenia Winn, Chairperson, Capitol Preservation Committee, pursuant to K.S.A. 75-2269, 2010 Annual Report of the Capitol Preservation committee.

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

CONSENT CALENDAR

Objection was made to SB 212 appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HCR 5020** appearing on the Consent Calendar for the first day.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted.

Recommended that HCR 5023 be adopted.

Committee report to **HB 2371** be adopted; and the bill be passed as amended.

Committee report to **HB 2374** be adopted; also, on motion of Rep. Rhoades be amended on page 4, following line 23, by inserting the following:

"Sec. 8.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,123,206 to \$1,028,342.":

And by renumbering sections accordingly;

On page 21, in line 2, by subtracting "\$33,341" from the dollar amount and by adjusting the dollar amount in line 2 accordingly; following line 33, by inserting the following:

"(e) On the effective date of this act, of the \$8,890,257 appropriated for the above

agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$393 is hereby lapsed.";

On page 1, in the title, in line 2, by striking all after "June 30, 2011," and inserting "June 30, 2012, and June 30, 2013, for state agencies;";

Also, on motion of Rep. Sloan to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Ward to amend **HB 2374** on page 2, in line 7, by striking lines 7 through line 40; on page 3, in line 1, by striking lines 1 through line 13.";

On roll call, the vote was: Yeas 49; Nays 68; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Bollier, Brookens, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Pottorff, Roth, Ruiz, Seiwert, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Bruchman, Fund, Gregory, Hedke, Kiegerl, Peterson, Schwab.

The motion of Rep. Ward did not prevail; and **HB 2374** be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **SB 15** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2335** be amended on page 3, in line 4, by striking "(a)"; in line 34, by striking "Furthermore, it is the intent of"; by striking all in lines 35 through 37; in line 38, by striking "where the state law offers greater protections."; and the bill be passed as amended

COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced the appointment of Rep. McCray-Miller as a member of Committee on Appropriations to replace Rep. Victors on March 16, 2011, only.

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 97** be amended on page 4, in line 24, before "The" by inserting "On and after the effective date of this act through June 30, 2012.":

On page 7, in line 13, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 10, in line 31, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 15, in line 37, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 18, in line 19, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 19, in line 36, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 22, in line 7, before "The" by inserting "On and after the effective date of this act through June 30, 2012,"; in line 18, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 23, in line 4, before "the" by inserting "on and after the effective date of this act through June 30, 2012,";

On page 24, in line 1, before "The" by inserting "On and after the effective date of this act through June 30, 2012,":

On page 26, in line 21, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 28, in line 29, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 30, in line 29, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 31, in line 26, before "The" by inserting "On and after the effective date of this act through June 30, 2012,"; in line 39, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 33, in line 39, before "The" by inserting "On and after the effective date of this act through June 30, 2012,";

On page 35, in line 11, before "The" by inserting "On and after the effective date of this act through June 30, 2012,"; in line 37, before "The" by inserting "On and after the effective date of this act through June 30, 2012,"; following line 39, by inserting:

- "Sec. 19. K.S.A. 2010 Supp. 20-3002 is hereby amended to read as follows: 20-3002. (a) On and after January 1, 2008, through December 31, 2011, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, 2012 2013, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.
- (b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of

appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

- (c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.
- (d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.";

And by renumbering sections accordingly;

On page 36, in line 2, after "8-2110," by inserting "20-3002,";

On page 1, in the title, in line 4, after "8-2110," by inserting "20-3002,"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2381** be passed.

Committee on **Taxation** recommends **SB 1** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 1," as follows:

"HOUSE Substitute for SENATE BILL NO. 1

By Committee on Taxation

"AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 1 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 61** be amended on page 1, following line 26, by inserting:

- "Sec. 2. K.S.A. 79-32,141 is hereby amended to read as follows: 79-32,141. (a) The director may allocate gross income, deductions, credits, or allowances between two or more organizations, trades or businesses (whether or not incorporated, or organized in the United States or affiliated) which are owned or controlled directly or indirectly by the same interests, if the director determines such allocation is necessary to prevent evasion of taxes or to clearly reflect income of the organizations, trades or businesses.
- (b) Commencing with the taxable year which commences after December 31, 2012, and all taxable years thereafter, subject to the limitations provided in this subsection, credits claimed by a corporation that is a member of a unitary group filing a combined report pursuant to the provisions of subsection (e) of K.S.A. 79-32,160a, and amendments thereto, including any carryforward credits, may be applied against the tax liability of any member or members of such group in such combined report. For the following tax years, limits on the credits then available to a company that is a member of a unitary group under this subsection are as follows: (1) For the taxable year which commences after December 31, 2012, not more than 20% of such credits subject to unitary treatments; (2) for the taxable year which commences after December 31, 2013, not more than 25% of such credits subject to unitary treatment; (3) for the taxable year which commences after December 31, 2014, not more than 33% of such credits subject to unitary treatment; and (4) for the taxable year which commences after December 31, 2015, not more than 50% of such credits subject to unitary treatment.
 - Sec. 3. K.S.A. 2010 Supp. 79-32,160a is hereby amended to read as follows: 79-

- 32,160a. (a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79. article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32.154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if: (1) The employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility: or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.
- (b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:
- (1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

- (2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.
- (c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:
- (1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and
- (2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.
- (d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpaver's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79. article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.
- (e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the

exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpaver's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used. except that no such tax credit shall be carried forward for deduction after the 10th 16th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable vear pursuant to K.S.A. 74-50.131, and amendments thereto, and no carryforward shall be allowed for deduction in any succeeding taxable year unless the taxpayer certifies under oath that the taxpayer continues to meet the requirements of K.S.A. 74-50,131, and amendments thereto, and this act. In no event shall any credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2011, be revived under the provisions of this act.

- (f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto.
- (g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and aets-amendatory thereof and supplemental thereto, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in line 27, after "2." by inserting "K.S.A. 79-32,141 and"; also in line 27, by striking "is" and inserting "and 79-32,160a are";

Also on page 1, in the title, in line 2, by striking the first semicolon and inserting a comma; Also in line 2, after the second semicolon, by inserting "allocation of credits, unitary group; high performance incentive program;"; also in line 2, after "amending" by inserting "K.S.A. 79-32,141 and"; in line 3, after "74-50,208" by inserting "and 79-32,160a"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 196** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 196," as follows:

"HOUSE Substitute for SENATE BILL NO. 196 By Committee on Taxation "AN ACT concerning taxation; relating to IMPACT program; income tax deductions, expensing of investment expenditures; promoting employment across Kansas act, qualifications for benefits; income tax credits; sales tax exemptions; creating job creation program fund, administration and expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152."; and the substitute bill be passed.

(H. Sub. for SB 196 was thereupon introduced and read by title.)

REPORT ON ENROLLED RESOLUTIONS

Sub. HR 6009 reported correctly enrolled and properly signed on March 15, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Wednesday, March 16, 2011.

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, March 16, 2011, 11:00 a.m.

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

The roll was called with 123 members present. Reps. Fund and Schwab were excused on verified illness.

Prayer by guest chaplain, the Rev. David Redmond, pastor, Concordia Wesleyan Church, and guest of Rep. Bowers:

Heavenly Father, we take pause out of the business of the day to invite Your presence, wisdom and grace upon those today who will tackle the decisions and consider the interests of those in this state. We stand upon the legacy of those who have gone before us and have called upon Your Name for guidance and direction.

History tells us that in years past we had leaders who believed that the aspiration of Kansas is "to reach the unattainable; its dream is the realization of the impossible." Capturing that pioneering spirit, our leaders adopted a motto that even now lives on in our state seal which translated means: to the stars with difficulty."

Now Lord, another group of leaders assemble today under different circumstances and various challenges, but I pray that they would have no less of the spirit of those who led us in the past. Give them humility to acknowledge their weakness, strength to face their fears, grace in the face of defeat, and gentleness to accept victory.

May they have the endurance to avoid the road of least resistance. Give them the integrity to always honor truth and justice above positioning, political persuasion, and special interest. Grant them, I pray, enough challenges to cause them to rely upon You, and faith and courage to lead, defend, and protect the people of this great State.

We pray this in the Name of Your Son, Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

Kansas Trivia Question – What was the first county to receive a name and who was it named after?

Answer: Doniphan, named for a hero of the Mexican-American War, Col. Alexander

W. Doniphan.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: HB 2391.

Taxation: HB 2392.

COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, pursuant to K.S.A. 79-1490, 2010 Preliminary Real Estate Appraisal/Sales Ratio Study.

From Kansas Commission on Disability Concerns, Annual Report 2010.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Phelps, HR 6016, by Rep. Phelps and Collins, as follows, was introduced and adopted.

HOUSE RESOLUTION NO. 6016 --

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

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and

science education, increase retention of intellectual capital and promote economic development; and

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

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

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

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

WHEREAS, The Kansas Academy of Mathematics and Science provides a rigorous research environment with doctoral-level faculty that focuses on academics, research, leadership development and civic engagement, which allows Fort Hays State University to cultivate future citizen-leaders; and

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

WHEREAS, The trailblazer class of the Kansas Academy of Mathematics and Science will graduate in 2012; and

WHEREAS, The members of the trailblazer class of the Kansas Academy of Mathematics and Science who will graduate in 2012 are: Justin Arnspiger, Ashland; Peter Betzen, Parsons; Rachel Bieniecki, Tonganoxie; Krysten Brake, Kinsley; Bria Carder, Eudora; Janae Carter, Andover; Jonathan Folkerts, Hays; Kaylin Hawman, WaKeeney; Clinton Herrmann, Sabetha; Chance Kahle, Wamego; Taylor Kane, Scott City; Abbey Killinger, Topeka; Soo Bum Kim, Dukso-ri, Wabu-eub Republic of Korea; Alexander Lee, Lansing; Nyasha Maforo, Winfield; Manvitha Marni, Leawood; Aleta Martin, Topeka; Alondra Meraz, Hugoton; Cole Mosier, Holton; Rachel Schmidt, Atchison; Kara Schnake, Augusta; Logan Smith, Richfield; Elsie Suhr, Sabetha; and Shaley White, Leoti: Now, therefore.

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

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

Be it further resolved: That the Chief Clerk of the House of Representatives shall send two enrolled copies of this resolution, one each to Ronald Keller, Director of the Kansas Academy of Mathematics and Science, and to Dr. Edward Hammond, President, Fort Hays State University, plus 30 copies to Debra Prideaux, Executive Director Alumni and Governmental Relations, Fort Hays State University.

There being no objections, the following remarks of Rep. Phelps are spread upon the journal:

Joining us today is the Trailblazer class of the Kansas Academy of Mathematics & Science at Fort Hays State University.

What is the Kansas Academy of Mathematics and Science? The Kansas Academy of Mathematics and Science is Kansas' premier residential learning experience for exceptional high school juniors and seniors with an interest in mathematics and science. It is on the Fort Hays State University campus.

Over two years, students will receive:

- Up to 68 hours of college credit in addition to a high school diploma.
- Hands-on research opportunities.
- Leadership development and civic engagement opportunities.
- Co-curricular and extracurricular activities to develop the whole student.

KAMS currently accepts 30 Kansas students and a total of 8 national or international students per year.

In their short time in the Academy, these KAMS students have already made many accomplishments:

- * One (1) student placed 1st in one division at the Regional Science & Engineering Fair and will be attending the Kansas State Science & Engineering Fair in April,
 - * Eight (8) students made the Dean'Honor Roll,
 - * Many will be honored as future Commended and National Merit Scholars.
 - * Several were selected as FHSU VIP Ambassadors,
 - * One (1) student is co-president of Astronomy Club, and
- * Many participate in FHSU's'rching band, chorale groups, drama, and student government association.

These bright, highly motivated students come to KAMS from across Kansas and beyond representing the best and brightest.

We congratulate each of them on their accomplishments and wish them continued success in their academic and personal pursuits. The talents they develop today can and will improve the world of tomorrow, especially here in the great state of Kansas.

CONSENT CALENDAR

No objection was made to **SB 15** appearing on the Consent Calendar for the first day. No objection was made to **HCR 5020** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2371, AN ACT concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Gordon, Hildabrand, Kinzer, Knox, Patton, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Fund, Schwab.

The bill passed, as amended.

HB 2374, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; education; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements

and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 70; Nays 53; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Brookens, Bruchman, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, M. Holmes, Kelly, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Schwab.

The bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: The notion that these draconian cuts will have no negative impact on schools, that they can fund them with unused funds is ridiculous. Districts must keep operating balances just to protect themselves from the state. When we miss payments and when we delay payments, these balances keep school doors open and make the payroll. How many times do we say schools should operate more like a business, then when they try to have a rainy day fund like a business, we drain them. I vote no on ${\bf HB}$ 2374. ${\bf -A}_{\rm NN}$ ${\bf M}_{\rm AH}$

Mr. Speaker: As members who have been placed in a position of trying to get KPERS back on solid footing, we must respectfully vote against a bill that borrows from KPERS. We vote no on **HB 2374**. – MITCH HOLMES, JIM KELLY

HCR 5023, A CONCURRENT RESOLUTION urging the United States Congress to preserve the primacy of the Kansas Corporation Commission to regulate hydraulic fracturing in compliance with state regulations and not to enact any future legislation that would remove this primacy. , was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl,

Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Schwab.

The resolution was adopted.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. McLeland in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. McLeland, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2357** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends SB 55 be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 55," as follows:

"HOUSE Substitute for SENATE BILL NO. 55

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal procedure and punishment; relating to electronic communications; relating to harassment by telecommunications device; relating to warrants for interception and information; amending K.S.A. 2010 Supp. 22-2502 and 22-2516 and section 184 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 55 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends SB 176 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 176," as follows:

"HOUSE Substitute for SENATE BILL NO. 176

By Committee on Corrections and Juvenile Justice

"AN ACT concerning criminal procedure; relating to conditions of release and bond; relating to house arrest; relating to employment of county and municipal prisoners; amending K.S.A. 22-4603 and K.S.A. 2010 Supp. 12-4509 and 22-2802 and sections 244, 249 and 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-4603d and 21-4704."; and the substitute bill be passed.

(H. Sub. for SB 176 was thereupon introduced and read by title.)

Committee on Federal and State Affairs recommends HB 2229 be amended by

substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2229," as follows:

"Substitute for HOUSE BILL NO. 2229

By Committee on Federal and State Affairs

"AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2010 Supp. 72-5413 and repealing the existing section."; and the substitute bill be passed.

(Sub. HB 2229 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HR 6015** be amended on page 1, in line 31, after "K.S.A." by inserting ". 2010 Supp."; in line 32, after "K.S.A." by inserting "2010 Supp.";

On page 2, in line 4, after "K.S.A." by inserting "2010 Supp."; in line 8, after "K.S.A." by inserting "2010 Supp."; in line 16, after "K.S.A." by inserting "2010 Supp."; in line 28, after "K.S.A." by inserting "2010 Supp.";

On page 3, in line 1, after "K.S.A." by inserting "2010 Supp."; in line 3, after "K.S.A." by inserting "2010 Supp."; in line 12, after "K.S.A." by inserting "2010 Supp."; in line 26, by striking "74-8762(e)" and inserting "2010 Supp. 74-8734(o) and 74-8751"; in line 27, after "K.S.A." by inserting "2010 Supp.";

On page 1, in the title, in line 1, by striking "requesting" and inserting "requiring"; in line 6, after "K.S.A." by inserting "2010 Supp."; and the resolution be adopted as amended.

Committee on **Insurance** recommends **SB 65** be amended on page 5 following line 12, by inserting:

"New Sec. 4. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on or after July 1, 2011, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained through an optional rider for which an additional premium is paid. The premium for the optional rider shall be calculated so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis.

- (b) No health insurance exchange established within this state or any health insurance exchange administered by the federal government or its agencies within this state shall offer health insurance contracts, plans or policies that provide coverage for elective abortions, nor shall any health insurance exchange operating within this state offer coverage for elective abortions through the purchase of an optional rider.
 - (c) For the purposes of this section:
- (1) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination of the pregnancy.
 - (2) "Elective" means an abortion for any reason other than to prevent the death of

the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

- Sec. 5. K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and 40-2,184, and section 4, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.
- Sec. 6. K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2201 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and , 40-2,184, and section 4, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.
- (b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.
- (c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 7. If any provisions of section 4 or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

New Sec. 8. (a) Notwithstanding any law, rule or regulation to the contrary, no state employee shall be eligible for coverage or reimbursement for an elective abortion under the state health care benefits program as established in K.S.A. 75-6501, and amendments thereto, or the cafeteria plan as established in K.S.A. 75-6512, and amendments thereto.

- (b) For the purposes of this section:
- (1) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination

of the pregnancy.

(2) "Elective" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.";

And by renumbering sections accordingly;

Also on page 5, in line 13, after "40-22a15" by inserting "and K.S.A. 2010 Supp. 40-2.103 and 40-19c09":

On page 1, in the title, in line 1, by striking "health" where it appears for the first time; in line 2, after "decisions;" by inserting "excluding coverage for certain abortions; relating to state employee health savings accounts;" also in line 2, after "40-22a15" by inserting "and K.S.A. 2010 Supp. 40-2,103 and 40-19c09"; and the bill be passed as amended

Committee on **Insurance** recommends **SB 170** be amended on page 1, following line 14, by inserting "(e) "Location" means any physical location in the state of Kansas."; in line 24, by striking "cover" and inserting "provide coverage for"; in line 25, after "theft," by inserting "are inoperable due to"; in line 26, by striking "applicable perils" and inserting "similar causes of loss";

And by relettering the remaining subsections accordingly;

On page 2, in line 6, by striking "agency" and inserting "entity"; in line 7, after "producer" by inserting "or insurer"; in line 27, by striking "only"; in line 28, by striking "expressly";

On page 3, in line 2, by striking "agency" and inserting "entity"; in line 11, by striking "any requirements:"; in line 12 by striking "(A) To" and inserting "how to"; in line 14, by striking "; and"; by striking all before the period in line 15; in line 17, by striking "a" where it appears for the last time; in line 18 by striking "refund of any unearned premium" and inserting "any applicable unearned premium refund"; in line 36, after "insurance" by inserting "either directly supervises or"; in line 37, by striking "agency" and inserting "entity";

On page 4, in line 2, by striking "all"; in line 3, by striking "the vendors who sell or offer" and inserting "a vendor who is directly engaged in the activity of selling or offering"; in line 6, by striking "agency" and inserting "entity"; in line 8, by striking "agency" and inserting "entity"; in line 9, after "training" by inserting "supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising entity"; in line 22, by striking "charge for" and inserting "portable electronic insurance"; in line 24, by striking "the" where it appears for the second time; by striking all in line 25; in line 26, by striking "the charge for coverage"; and inserting "the portable electronics insurance coverage is included with the portable electronics or related services"; in line 30, by striking "agency" and inserting "entity"; in line 35, by striking "supervision agency" and inserting "supervising entity"; in line 39, by striking "supervision agency" and inserting "supervising entity";

On page 5, in line 6, by striking "terminate or otherwise"; and the bill be passed as amended.

Committee on **Social Services Budget** recommends **HB 2296** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2296," as follows:

"Substitute for HOUSE BILL NO. 2296 By Committee on Social Services Budget

"AN ACT concerning state institutions and state agencies; establishing the joint committee on oversight of the closure of the Kansas neurological institute; Kansas neurological institute community conversion conservation fund."; and the substitute bill be passed

(Sub. HB 2296 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2347** be amended on page 1, by striking all in line 10; in line 11, by striking "and 5%" and inserting "18% for tax years 2010 through 2012, and an amount equal to 17%"; in line 16, by striking "the"; by striking all in lines 17 through 19; in line 20, by striking all before the period and inserting "if the amount of the tax credit allowed by section (a) exceeds the taxpayer's income tax liability imposed under the Kansas income tax act for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fifth taxable year succeeding the taxable year in which the credit was claimed"; and the bill be passed as amended.

Committee on **Transportation and Public Safety Budget** recommends **HB 2173** be amended on page 1, in line 11, by striking "fixed" and inserting "negotiated"; in line 22, by striking "fix" and inserting "negotiate"; and the bill be passed as amended.

On motion of Rep. Siegfreid, the House recessed until 3:00 p.m.

AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends **HB 2322** be amended on page 3, in line 10, by striking "or" and inserting ";

(2) on or after April 14, 1994,"; in line 12, before the semicolon, by inserting ", unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim":

And by redesignating paragraphs accordingly;

On page 5, in line 13, after "motivated" by inserting ", unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim";

On page 9, by striking all in lines 31 through 35;

And by redesignating subsections accordingly;

On page 12, in line 26, by striking "conviction or adjudication" and inserting "sentencing or disposition";

On page 13, in line 7, after the semicolon by inserting "and"; in line 9, by striking "; and"; by striking all in lines 10 and 11; in line 12, by striking all before the period;

On page 19, in line 6, after "(b)" by inserting "except as provided further, for any: (1) Sex offender,"; in line 8, by inserting before the period "; and (2) violent offender or drug offender, at the discretion of the registering law enforcement agency, report in person three times each year and by certified letter one time each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school. Any offender may, at the discretion of the registering law enforcement agency, report by certified letter four times each year if the registering law enforcement agency determines that such offender is incapacitated. When utilized, the certified letter for reporting shall be sent to the reported residence of the offender and shall require the offender to respond to the registering law enforcement agency with any changes in information as required for reporting in person within 10 days":

On page 21, in line 2, by striking all following "state"; by striking all in line 3; in line 4, by striking "military"; in line 5, after "Columbia" by inserting ", except if the offender is presently serving and maintaining active duty in any branch of the United States military or the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military";

On page 23, by striking all in lines 32 through 41; following line 41, by inserting "(a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

- (A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or section 75 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or section 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or section 77 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (F) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (G) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments

thereto;

- (J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or section 46 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;
- (K) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
- (L) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
- (M) unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, and amendments thereto;
- (N) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal or subsection (a) of K.S.A. 2010 Supp. 21-36a09, and amendments thereto:
- (O) K.S.A. 65-4161, prior to its repeal or subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, and amendments thereto; or
- (P) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.":

Also on page 23, in line 42, by striking "(b)" and inserting "(2)";

On page 24, by striking all in lines 6 through 26; following line 26, by inserting "(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

- (A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

- (F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;
- (H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the prostitute is 14 or more years of age but less than 18 years of age; or
- (J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.
- (2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.
- (c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.
- (d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:
- (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is less than 18 years of age;
- (7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the victim is less than 14 years of age;
 - (8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or

section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the prostitute is less than 14 years of age;

- (9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of section 43 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
- (11) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of an offense defined in this subsection.":

And by redesignating remaining subsections accordingly;

Also on page 24, in line 34, by striking all following the comma; by striking all of lines 35 through 41 and inserting "the court shall:

- (1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;
- (2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or
- (3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).";

- On page 25, in line 6, by striking "the duration of"; by striking all in line 7 through 13 and inserting "the court shall:
- (1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;
- (2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or
- (3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law

enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).";

On page 26, in line 19, after "and" where it appears for the second time, by inserting ", except when such reporting is conducted by certified letter as provided in subsection (b) of K.S.A. 22-4905, and amendments thereto,";

On page 29, in line 33, after "offender;" by inserting "and"; in line 34, by striking "; and"; by striking all in line 35; in line 36, by striking all before the period;

On page 31, following line 5, by inserting "Sec. 12. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.

There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree, K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter, K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, capital murder, K.S.A. 21-3442, prior to its repeal, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, rape, K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal. or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent solicitation of a child, K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, sexual exploitation, K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated incest, K.S.A. 21-3608, prior to its repeal, or subsection (a) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, endangering a child, K.S.A. 21-3608a, prior to its repeal, or

- subsection (b) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated endangering a child, K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, abuse of a child, or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.
- (c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.
- (e)(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.
- (d)(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:
- (A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;
- (B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and
 - (C) the circumstances and behavior of the petitioner warrant expungement.
 - (2) The court may require that all court costs, fees and restitution shall be paid.
- (e)(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.
- (f)(g) Copies of any order made pursuant to subsection (a) or (c) shall be sent to each public officer and agency in the county having possession of any records or files ordered to be expunged. If the officer or agency fails to comply with the order within a reasonable time after its receipt, the officer or agency may be adjudged in contempt of court and punished accordingly.

- (g)(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.
- (h)(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.
- (i)(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.
- (j)(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:
 - (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery:
- (7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission; or
 - (8) the Kansas sentencing commission.
- Sec. 13. Section 254 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) and, (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

- (2) Except as provided in subsections (b) and, (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
- (b) Except as provided in subsection (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an offgrid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:
- (1) Vehicular homicide, as defined byin K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
- (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
- (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute:
- (4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;
- (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
- (6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;
- (7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
 - (8) a violation of K.S.A. 21-3405b, prior to its repeal.
- (c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:
- (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter. 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter. 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (3) criminal sodomy as defined in <u>subsection (a)(2) or (a)(3) of K.S.A. 21-3505</u>, <u>prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto;
- (4) aggravated criminal sodomy as defined in <u>K.S.A. 21-3506</u>, <u>prior to its repeal, or</u> section 68 <u>of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto;

- (5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (6) sexual exploitation of a child as defined in <u>K.S.A. 21-3516</u>, <u>prior to its repeal</u>, <u>or section 74 of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto;
- (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (8) endangering a child or aggravated endangering a child as defined in <u>K.S.A. 21-3608 or 21-3608a</u>, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (9) abuse of a child as defined in <u>K.S.A. 21-3609</u>, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (10) capital murder as defined in <u>K.S.A. 21-3439</u>, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (11) murder in the first degree as defined in <u>K.S.A. 21-3401</u>, <u>prior to its repeal</u>, <u>or section 37 of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto:
- (12) murder in the second degree as defined in <u>K.S.A. 21-3402</u>, <u>prior to its repeal</u>, <u>or section 38 of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto;
- (13) voluntary manslaughter as defined in <u>K.S.A. 21-3403</u>, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (14) involuntary manslaughter as defined in <u>K.S.A. 21-3404</u>, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (15) sexual battery as defined in <u>K.S.A. 21-3517</u>, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed:
- (16) aggravated sexual battery as defined in <u>K.S.A. 21-3518</u>, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;
- (18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or
- (19) any conviction for any offense in effect at any time prior to the effective date of this aet July 1, 2011, that is comparable to any offense as provided in this subsection.
- (d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.
- (d)(e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

- (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
 - (C) defendant's sex, race and date of birth;
 - (D) crime for which the defendant was arrested, convicted or diverted;
 - (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.
- (2) Except as otherwise provided further, there shall be no doeket fee for filing a petition pursuant to this section by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after July 1, 2009 through June 30, 2010 April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed \$10\$\$I5 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.
- (3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.
- (e)(f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:
- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
 - (2) the circumstances and behavior of the petitioner warrant the expungement;
 - (3) the expungement is consistent with the public welfare.
- (f)(g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:
- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
- (A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 20092010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

- (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
- (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission:
- (E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
- (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
- (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;
- (J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- (K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 20092010 Supp. 75-7c01 et seq., and amendments thereto:
- (3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;
- (4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and
- (5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.
- (g)(h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.
 - (h)(i) Subject to the disclosures required pursuant to subsection (f), in any

application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

- (i)(j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:
 - (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order:
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense:
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission:
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers and certificate holders; and (B) their

officers, directors, employees, owners, agents and contractors;

- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
- (14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- (15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or
- (16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.";

And by renumbering sections accordingly;

Also on page 31, in line 8, by striking "and 22-4913" and inserting ", 22-4913 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas";

On page 1, in the title, in line 3, by striking "and 22-"; in line 4, by striking "4913" and inserting ", 22-4913 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2178** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2178," as follows:

"Substitute for HOUSE BILL NO. 2178

By Committee on Federal and State Affairs

"AN ACT concerning licenses and permits; relating to nonresident military spouses."; and the substitute bill be passed.

(Sub. HB 2178 was thereupon introduced and read by title.)

Committee on Local Government recommends SB 101 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 101," as follows:

"HOUSE Substitute for SENATE BILL NO. 101

By Committee on Local Government

"AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 101 was thereupon introduced and read by title.)

The House stood at ease until the sound of the gavel.

Speaker pro tem Vickrey called the House to order.

REPORTS OF STANDING COMMITTEES

Committee on Taxation recommends SB 10, SB 198 be passed.

Committee on **Taxation** recommends **HB 2392** be passed as amended on page 1, by striking all in lines 28 through 36;

By striking all on page 2;

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

And by renumbering sections accordingly;

Also on page 3, in line 17, by striking "and K.S.A. 2010 Supp. 75-6202 are" and inserting "is";

On page 1, in the title, in line 3, by striking "and K.S.A. 2010 Supp. 75-6202"; in line 4, by striking "sections" and inserting "section"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2371 reported correctly engrossed March 16, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Thursday, March 17, 2011.

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Thursday, March 17, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 120 members present.

Reps. Fund, Kiegerl and Schwab were excused on verified illness.

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

Present later: Rep. Mesa.

Prayer by guest chaplain, Dr. Dave Depue, State Director, Capitol Commission, Topeka, guest of Rep. Calloway:

Father God, Your delegates initiated the practice of opening Congressional sessions with prayer in 1787. You have blessed this nation, this experiment in democracy, far beyond any other. Your leaders in this new State, called Kansas, born in adversity, have continued opening our Legislative sessions with prayer over these 150 years.

We pause from our busy agenda today to seek your inspiration and guidance in this most important work before us. We have House bills, Senate bills, Resolutions, Committee reports, and messages from the Governor, the Senate and communications from State officers. Now we must act and we need your grace.

Your Son, Jesus, taught that we could ask in his name and you would grant our request. We have done this in asking for wisdom, discernment and courage. It is evident that you have blessed those in this assembly with these attributes.

We have made many tough decisions. We have begun to exercise hard but necessary fiscal responsibility. We have remembered your commandments and have begun setting things right in social issues as well.

Now Lord, many in business and industry throughout the nation have noticed that Kansas has begun to put things in order!

Leaders and media in other states have taken notice that Kansas is on track to recovery! We are developing a model for other states to follow.

We strive to see the day when our barns will be filled with plenty and our vats overflow with new wine and we are thankful that you have heard our prayer. Amen!

The Pledge of Allegiance was led by Rep. Meigs.

Kansas Trivia Question – The Picher Field which includes southeastern Kansas, was the world's leading producer of what mineral before World War II?

Answer: Zinc

In celebration of St. Patrick's Day, former Senator Richard Gannon played "Dawning of the Day" on the bagpipes.

MESSAGES FROM THE SENATE

The Senate nonconcurs in House amendments to **SB** 67, requests a conference and has appointed Senators Huntington, V. Schmidt and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB** 77, requests a conference and has appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

Also, announcing passage of SB 51; Sub. SB 81; Sub. SB 92; SB 118; Sub. SB 138; SB 154, SB 201.

Announcing passage of HB 2001, HB 2023, HB 2029, HB 2030, HB 2038.

Announcing passage of HB 2027, as amended; HB 2028, as amended; HB 2105, as amended; HB 2151, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 51; Sub. SB 81; Sub. SB 92; SB 118; Sub. SB 138; SB 154, SB 201.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **SB** 67.

Speaker pro tem Vickrey thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Billinger, **HR 6013**, A resolution in memory of Dr. Jim Morrison, was adopted.

Rep. Billinger introduced Dr. Morrison's wife, Karen; son Jeff and Rachelle Morrison, and their children, Jaden, Carter, Darias, Kennedy and Campbell; son Scott and Michelle Morrison and their children Jarrett, Jace and Jacob; and sister-in-law Laura Carr.

Speaker O'Neal presented Mrs. Morrison with a framed House certificate and thanked the family for sharing Dr. Morrison with the members of the House for 18 years.

CONSENT CALENDAR

No objection was made to SB 15 appearing on the Consent Calendar for the second day.

No objection was made to **HCR 5020** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5020, A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC), was considered on final action. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Mesa, Peterson, Schwab.

The resolution was adopted.

HB 2357, AN ACT creating the Arkansas river gaging fund, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith,

Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Landwehr. Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Mesa, Peterson, Schwab.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB** 2175 and asked for a conference.

Speaker pro tem Vickrey thereupon appointed Reps. Burgess, Hayzlett and Trimmer as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Aurand in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that roll call was demanded on motion to recommend **HB 2091** favorably for passage.

On roll call, the vote was: Yeas 39; Nays 80; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Billinger, Boman, Brown, Brunk, Collins, DeGraaf, Donohoe, Fawcett, Garber, S. Gatewood, Gonzalez, Goodman, Gregory, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Knox, Landwehr, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Siegfreid, Smith, Tyson, Weber.

Nays: Alford, Aurand, Ballard, Bethell, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Goico, Gordon, Grange, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Mosier, Moxley, O'Neal, Otto, Pauls, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grant, Kiegerl, Mesa, Peterson, Schwab.

The motion to recommend **HB 2091** favorably for passage did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 1** be adopted; also, on motion of Rep. O'Hara to amend, Rep. Phelps requested the question be divided. Rep. O'Hara subsequently withdrew her amendment.

Also, roll call was demanded on motion of Rep. Burroughs to amend **H. Sub. for SB** 1 on page 1, in line 36, by striking "and corporation";

On page 2, in line 5, after "each" by inserting "individual"; in line 8, by striking "or corporation"; also in line 8, after "any" by inserting "individual"; in line 16, by striking "and corporation"; in line 29, by striking "and corporation"; in line 31, by striking "and

corporation";

On page 3, in line 40, after "(e)" by inserting "Individual";

On roll call, the vote was: Yeas 41; Nays 73; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Brookens, Brown, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hildabrand, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peck, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Goico, Huebert, Kelley, Kiegerl, Mesa, Peterson, Rhoades, Schwab, Sloan.

The motion of Rep. Burroughs did not prevail.

Also, roll call was demanded on motion of Rep. D. Gatewood to amend **H. Sub. for SB 1** on page 1, in line 35, by striking the period and inserting "and how much money in actual dollars, that increase represents. The first \$200,000,000 in increase under this section shall be used to pay state bonded indebtedness with the remainder to be used by the secretary to reduce individual and corporation income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto. In any year where no increase is required to be used to pay state bonded indebtedness, the secretary shall,"; in line 36, by striking "the secretary shall";

On roll call, the vote was: Yeas 46; Nays 72; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Brookens, Burroughs, Carlin, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Hill, Hineman, Hoffman, Kerschen, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Phelps, Roth, Ruiz, Ryckman, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Scapa, Schroeder, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Kiegerl, Peterson, Schwab, Shultz, Sloan.

The motion of Rep. D. Gatewood did not prevail.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 1** favorably for passage.

On roll call, the vote was: Yeas 56; Nays 61; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Fawcett, Goico, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, O'Neal, Osterman, Otto, Powell, Prescott, Rubin, Ryckman, Scapa, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Bowers, Brookens, Brown, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Moxley, O'Brien, O'Hara, Patton, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Kiegerl, Peck, Peterson, Rhoades, Schwab, Shultz.

The motion to recommend **H. Sub. for SB 1** favorably for passage did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 196** be adopted; also, on motion of Rep. Mah to amend, Rep. Kleeb requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane. The question reverted back to the motion of Rep. Mah to amend on page 1, following line 11, by inserting:

"New Section. 1. (a) On and after January 1, 2012, all state agencies, departments, boards and commissions, counties or any municipality who is an employer shall enroll and actively participate in e-verify for verification of employment status of all employees whose employment commences after January 1, 2012.

- (b) On and after January 1, 2012, no state agency, department, board, commission, county or municipality shall award a public works or purchase contract to a bidder, contractor or employer, nor shall a bidder, contractor or employer be eligible to bid for or receive a public works contract if such bidder, contractor or employer does not verify the employment eligibility of the employees of such bidder, contractor or employer through e-verify. A bidder, contractor or employer shall be responsible for ensuring that any subcontractor, which such bidder, contractor or employer contracts with for a public works or purchase contract, certifies the employment eligibility of the employees of such subcontractor through e-verify.
- (c) Any bidder, contractor or employer who is found by the secretary to have violated this section shall be prohibited from being awarded, bidding on or otherwise attempting to obtain a public works or purchase contract for a period of two years commencing on the date of the secretary's final determination that such bidder, contractor or employer violated this section.
 - (d) Any person who believes a bidder, contractor or employer has violated any

provision of this section, may file a complaint with the secretary. Such complaint shall be in writing and signed by the individual filing the complaint. The secretary shall review and may investigate any such complaints. If, after an investigation, the secretary determines that a violation of this section has occurred, the secretary shall notify the bidder, contractor or employer who has been found to be in violation of this section that such bidder, contractor or employer has been found to be in violation of this section and shall be placed on the list of bidders, contractors and employers prohibited from being awarded public works or purchase contracts. Such bidder, contractor or employer shall be given an opportunity for a hearing in accordance with the Kansas administrative procedures act.

- (e) The secretary shall create and maintain a list of all bidders, contractors and employers found by the secretary to be in violation of this section. Such bidders, contractors and employers shall remain on such list for the duration of the two-year period set forth in subsection (c). At the expiration of such two-year period, the bidder, contractor or employer shall be removed from the list. The secretary shall make the list readily available to municipalities in this state in such form and manner as prescribed by the secretary.
- (f) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this section. Such rules and regulations shall be adopted on or before January 1, 2012.
- (g) Nothing in this section shall be construed to require a bidder, contractor or employer to take any action that the bidder, contractor or employer believes in good faith would violate federal or state law.
 - (h) As used in this section, unless the context otherwise requires:
- (1) "E-verify" means an electronic system as jointly administered by the United States department of homeland security and the social security administration or its successor program, pursuant to 8 U.S.C. § 1324a, which is used to verify the employment authorization of employees.
- (2) "Employee" means any person who performs employment services for an employer pursuant to an employment relationship between the employee and the employer.
- (3) "Employer" means any individual or type of organization that transacts business in this state and that employs one or more individuals who perform employment services in this state.
- (4) "Municipality" shall have the same meaning ascribed thereto in K.S.A. 75-1117, and amendments thereto.
 - (5) "Secretary" means the secretary of the department of labor.";

And by renumbering the remaining sections accordingly;

On page 19, following line 38, by inserting:

- "Sec. 17. K.S.A. 2010 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.
 - (b) There shall be added to federal adjusted gross income:
- (i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision

thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

- (ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.
 - (iii) The federal net operating loss deduction.
- (iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.
- (v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.
- (vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.
- (vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.
- (viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32.204 and amendments thereto.
- (ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

- (x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2010 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.
- (xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2010 Supp. 74-50,154, and amendments thereto
- (xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2010 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.
- (xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.
- (xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,221, and amendments thereto.
- (xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.
- (xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.
- (xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,256, and amendments thereto.
- (xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.
- (xix) For taxable years commencing after December 31, 2010, the amount of any wages paid to the extent such amount is allowed as a deduction under the internal revenue code of 1986, as amended, by an employer who does not participate in e-verify, as defined in section 1, and amendments thereto, for verification of employment status.
 - (c) There shall be subtracted from federal adjusted gross income:

- (i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.
- (ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.
- (iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.
- (iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.
- (v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.
- (vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.
- (vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.
- (viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 §§ U.S.C. 228b (a) and 228c (a)(1) et seq.
- (ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.
- (x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.
- (xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.
- (xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.
- (xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual

development account under K.S.A. 2010 Supp. 74-50,201; et seq., and amendments thereto.

- (xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.
- (xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2010 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.
- (xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.
- (xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.
- (xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.
- (xix) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted

gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

- (xx) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.
- (d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.
- (e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

On page 53, in line 36, before "79-32,160a" by inserting "79-32,117,"; On page 1, in the title, in line 5, before "amending" by inserting "e-verify, requirements, deductions;"; in line 7, after "74-50,213," by inserting "79-32,117,";

Roll call was demanded.

On roll call, the vote was: Yeas 39; Nays 76; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Brown, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Kelley, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Patton, Pauls, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Huebert, Kiegerl, Landwehr, Osterman, Peterson, Rhoades, Schwab, Sloan.

The motion of Rep. Mah did not prevail.

Also, on motion of Rep. Bethell to amend **H. Sub. for SB 196**, the motion did not prevail.

Also, on motion of Rep. Meier to amend **H. Sub. for SB 196**, Rep. Kleeb requested a ruling on the amendment being germane to the bill. Rep. Kleeb subsequently withdrew his request. The question reverted back to the motion of Rep. Meier and the bill be amended on page 5, following line 1, by inserting the following:

"New Sec. 4. (a) For all tax years commencing after December 31, 2011, each

Kansas state individual income tax return form shall contain a designation as follows:

Kansas Hometown Heroes Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, _____\$1, ____\$5, ____\$10 or \$

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas hometown heroes fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas hometown heroes fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the continued operations of the veteran services program of the Kansas commission on veterans affairs. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the Kansas commission on veterans affairs.":

And renumbering sections accordingly;

On page 1, in the title, in line 5, before "amending" by inserting "providing a checkoff for the Kansas hometown heroes fund:":

Also, on motion of Rep. S. Gatewood to amend **H. Sub. for SB 196**, the motion did not prevail. Also, on motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Meier, **H. Sub. for SB 196** be amended on page 18, in line 43, by striking "Leavenworth," and on page 19, in line 5, by striking "Leavenworth,"; and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture and Natural Resources recommends SB 152, SB 186, SB 188 be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 122** be amended on page 1, in line 9, by striking "or bed"; in line 10, by striking "Such projects include, but are not"; by striking all in lines 11 through 13; in line 29, after "projects" by inserting "for the expected life of the project and"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 214** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 214," as follows:

"HOUSE Substitute for SENATE BILL NO. 214

By Committee on Agriculture and Natural Resources

"AN ACT concerning water; related to water obstructions; related to groundwater management districts; amending K.S.A. 2010 Supp. 82a-301 and 82a-1021 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 214 was thereupon introduced and read by title.)

Committee on Corrections and Juvenile Justice recommends SB 63 be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 63." as follows:

"HOUSE Substitute for SENATE BILL NO. SB 63 By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal procedure and punishment; relating to sexual exploitation of a child; relating to search incident to arrest; amending K.S.A. 22-2501 and section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3516."; and the substitute bill be passed.

(H. Sub. for SB 63 was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 125** be amended on page 4, following line 12, by inserting:

- "Sec. 2. K.S.A. 2-624 is hereby amended to read as follows: 2-624. (a) The governing body of each extension district shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.
- (b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the governing body shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.
- (c) (1) Except as otherwise provided in this act, an election to elect successors to members of the governing body whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.
- (2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. Not later than 12:00_12 noon of the Wednesday next following the Tuesday, five_10 weeks preceding the first Tuesday in April in odd-numbered years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order.
- (3) The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof.
- (4) All election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.
- (e)(d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of

office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.

(f)(e) The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.";

And by renumbering sections accordingly;

Also on page 4, in line 29, after "K.S.A." where it appears for the first time by inserting "2-624 and";

On page 1, in the title, in line 2, after "K.S.A." where it appears for the first time by inserting by inserting "2-624 and"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 127** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL NO. 127," as follows:

"HOUSE Substitute for Substitute for SENATE BILL NO. 127

By Committee on Elections

AN ACT concerning elections; amending K.S.A. 25-2102 and 25-4153 and K.S.A. 2010 Supp. 25-2021, 25-2108a, 25-4148 and 71-1415 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for Sub. SB 127 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2242** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2242," as follows:

"Substitute for HOUSE BILL NO. 2242

By Committee on Federal and State Affairs

AN ACT concerning use of vital statistics; relating to death and unborn child death certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2242 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2337** be amended on page 3. in line 16, after "act." by inserting the following:

- "(b) Either before or after formal charges have been filed, the secretary and the facility may enter into a stipulation which shall be binding upon the secretary and the facility entering into such stipulation and the secretary may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action authorized by this section, against the facility entering into such stipulation.
- (c) The secretary may temporarily suspend or temporarily limit the license of any facility in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the secretary determines that there is cause to believe that grounds exist under this section for immediate action authorized by this section against the facility and that the facility's continuation in operation would constitute an imminent danger to the public health and safety.

(d) ";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 80** be amended on page 5, following line 30, by inserting:

- "Sec. 3. K.S.A. 2010 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.
 - (b) No retailer's license shall be issued to:
- (1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.
- (2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.
- (3) A person who is not of good character and reputation in the community in which the person resides.
 - (4) A person who is not a citizen of the United States.
- (5) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.
- (6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.
- (7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.
- (8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.
- (9) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(9) shall not apply in determining eligibility for a renewal license.
- (10) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.
- (c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which has:
- (1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or
- (2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.
- (d) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

- (e) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit which shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, which may be open to the public, subject to the following:
- (1) A special event retailers' permit shall specify the premises for which the permit is issued;
- (2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;
- (3) no more than four special event retailers' permits may be issued to any one applicant in a calendar year; and
 - (4) a special event retailers' permit shall not be transferable or assignable.
- (f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.";

And by renumbering the remaining sections accordingly;

Also, on page 5, in line 31, by striking "and" and inserting a comma; also in line 31, following "41-308b" by inserting "and 41-2703"; in line 33, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "relating to microbreweries;"; in line 2, by striking "and" where it appears for the first time and inserting a comma; also in line 2, following "41-308b" by inserting "and 41-2703"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 14** be amended on page 2, in line 43, by striking "In succeeding";

On page 3, by striking all in lines 1 through 6; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB** 76 be amended on page 3, following line 5, by inserting "(g) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.": and the bill be passed as amended.

Committee on Insurance recommends SB 179 be passed

Committee on **Insurance** recommends **SB 85** be amended on page 4, by striking all in lines 34 through 36;

On page 5, by striking all in lines 25 through 32; in line 33, by striking "(c)" and inserting "(b)"; in line 38, by striking "(d)" and inserting "(c)"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 136** be amended on page 1, in line 12, after "automobile." by inserting "The provisions of this subsection shall not apply and a cause of action for noneconomic loss may be maintained if the court finds by clear and convincing evidence that the person bringing the cause of action did not knowingly at the time of the accident drive a motor vehicle that was without personal injury protection benefits coverage mandated by the Kansas automobile injury reparations act."; in line 14, by striking "30" and inserting "45"; and the bill be passed as amended.

Committee on Local Government recommends HB 2314 be amended on page 1, in

line 13, by striking "Notwithstanding the provisions of K.S.A. 24-409 and 24-"; by striking all in lines 14 through 22 and inserting "Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms as provided in K.S.A. 24-409 and 24-412, and amendments thereto.":

On page 2, in line 13, by striking "Directors elected in any district in"; by striking all in lines 14 and 15; in line 17, by striking all after "elected"; in line 18, by striking "years" and inserting "as provided in K.S.A. 24-139a, and amendments thereto"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 150** be amended on page 3, following line 35, by inserting:

"New Sec. 4. When land located outside a city is annexed by such city under K.S.A. 12-521 and 12-521a, and amendments thereto, any homestead rights attributable to such land prior to such annexation shall continue after annexation until such land is sold after annexation.

New Sec. 5. Except as provided in this section, no land shall be annexed pursuant to paragraphs (1), (4), (5) and (6) of subsection (a) of K.S.A. 12-520, and amendments thereto, if the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will have an adverse effect on such county. The board of county commissioners shall deliver a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.

- Sec. 6. K.S.A. 12-519 is hereby amended to read as follows: 12-519. As used in this act: (a) "Tract" means a single unit of real property under one ownership, outside the corporate limits of a city, which may be platted or unplatted, title to which is publicly or privately held by an owner as defined by subsection (c).
 - (b) "Land" means a part of a tract or one or more tracts.
- (c) "Owner" means the one who has record title to a tract. In the event two or more persons have record title to a tract, "owner" shall be defined as follows:
- (1) If joint tenants, "owner" means a majority of the number of joint tenants; (2) if tenants in common, "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract; (3) if the tract is held by a life tenant and a remainderman, "owner" means the life tenant; (4) if the tract is held by a tenant under a recorded lease providing for a lease term of 10 years or longer and a remainderman, "owner" means both such tenant and remainderman; (5) if one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.
- (d) "Adjoins" means to lie upon or touch (1) the city boundary line; or (2) a highway, railway or watercourse which lies upon the city boundary line and separates such city and the land sought to be annexed by only the width of such highway, railway or watercourse.
 - (e) "Platted" means a tract or tracts mapped or drawn to scale, showing a division

or divisions thereof, which map or drawing is filed in the office of the register of deeds by the owner of such tract.

- (f) "Land devoted to agricultural use" means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.
- (g) "Qualified elector" means any person registered to vote who resides within the area proposed to be annexed under the provisions of K.S.A. 12-521, and amendments thereto.
- (h) "Area proposed to be annexed" means the area approved for annexation by the board of county commissioners under the provisions of K.S.A. 12-521, and amendments thereto.
- (g) (i) "Watercourse" means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.
- Sec. 7. K.S.A. 12-520b is hereby amended to read as follows: 12-520b. (a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:
- (1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:
- (A) The present and proposed boundaries of the city affected by such proposed annexation;
- (B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof; and
 - (C) the general land use pattern in the areas to be annexed.
- (2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. Such plan shall include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon

annexation and those services which may be provided upon petition of the landowners to create a benefit district.

- (b) A copy of the plan for extension of services shall be sent by certified mail not less than 10 days prior to the public hearing as provided in K.S.A. 12-520a, and amendments thereto, to the board of county commissioners.
- (b) (c) The preparation of a plan for the extension of services required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners petition for or consent to such annexation in writing.
- Sec. 8. K.S.A. 12-521 is hereby amended to read as follows: 12-521. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:
- (1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:
- (A) The present and proposed boundaries of the city affected by such proposed annexation;
- (B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto; and
 - (C) the general land use pattern in the areas to be annexed.
- (2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.
- (b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.
 - (b) (c) The date fixed for the public hearing shall be not less than 60 nor more than

70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board for good cause shown may continue the hearing beyond the time specified in the notice without further publication.

(e) (d) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the owners of land in areas near or adjacent to the land proposed to be annexed or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) opography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries:
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
 - (6) the extent of business, commercial and industrial development in the area;
- (7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;
 - (8) the proposed cost, extent and the necessity of governmental services to be

provided by the city proposing annexation and the plan and schedule to extend such services;

- (9) tax impact upon property in the city and the area;
- (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
- (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a. and amendments thereto, fire districts:
- (12) existing petitions for incorporation of the area as a new city or for the creation of a special district;
- (13) likelihood of significant growth in the area and in adjacent areas during the next five years; and
- (14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.
- (d) (e) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.
- (f) Within 10 days following the rendering of the judgment of the board of county commissioners granting all or a part thereof of any annexation as provided in subsection (e), the city clerk shall certify to the county election officer a legal description and a map of the area outside the corporate limits of the city proposed to be annexed and the street addresses of all real estate located therein. If there are qualified voters residing in the area proposed to be annexed, then the county election officer shall conduct a mail ballot election under the provisions of K.S.A. 25-431 et seq., and amendments thereto, in the area proposed to be annexed within 60 days of such certification. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon approve the annexation, the city may annex the land by passage of an ordinance. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon reject the annexation, the lands shall not be annexed and the city may not propose the annexation of any such lands in the proposed area for at least four years from the date of the election, unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto.
- (e) (g) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commissioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Nothing in this subsection shall be construed as granting

the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

- Sec. 9. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) Five Three years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, five three years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.
- (b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, and amendments thereto, if the services are not provided within $\frac{11}{2}$ years of the date of the board's findings.
- (c) If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.
- Sec. 10. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within 2 1½ years following the conclusion of the hearing required by K.S.A. 12-531, and amendments thereto, or, where there has been litigation relating to the hearing, 2 1½ years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.
- (b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation

ordinances. Such land shall not be annexed again for one three year years from the effective date of the order without the written consent of the owner of the land.

- (c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the owner city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.
- (d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.
 - (e) The board shall not order exclusion of any land if:
- (1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;
- (2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;
- (3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or
- (4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.
- (f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.
- (g) If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.
- Sec. 11. K.S.A. 2010 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:
- (a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision; and
- (b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer: and
 - (c) the election is nonpartisan; and
- (d) the election is not one at which any candidate is elected, retained or recalled; and

- (e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots; and
- (f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:
 - (1) Counties;
 - (2) cities;
- (3) school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;
 - (4) townships;
 - (5) benefit districts organized under K.S.A. 31-301, and amendments thereto;
- (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;
- (7) combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;
- (8) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;
- (9) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;
 - (10) hospital districts;
- (11) improvement districts organized under K.S.A. 19-2753, and amendments thereto;
- (12) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto:
- (13) sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;
- (14) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto: or
- (15) transportation development districts created pursuant to K.S.A. 2010 Supp. 12-17.140 et seq., and amendments thereto: or
 - (16) any tract of land annexed pursuant to K.S.A. 15-521, and amendments thereto.
- Sec. 12. K.S.A. 60-2301 is hereby amended to read as follows: 60-2301. Except as provided in section 4, and amendments thereto, a homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, or a manufactured home or mobile home, occupied as a residence by the owner or by the family of the owner, or by both the owner and family thereof, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said such premises, or for the erection of improvements thereon. The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, when that relation exists.":

And by renumbering sections accordingly;

On page 3, in line 36, after "K.S.A.", by inserting "12-519, 12-520b, 12-521, 12-531, 12-532,"; also in line 36, by striking "and 15-124" and inserting ", 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432"; in line 38, by striking "statute book" and inserting

"Kansas register";

On page 1, in the title, in line 1, by striking "incorporation" and inserting "boundaries"; in line 2, before "15-116", by inserting "12-519, 12-520b, 12-521, 12-531, 12-532,"; also in line 2, by striking "and 15-124" and inserting ", 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432"; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **HB 2333** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2333," as follows:

"Substitute for HOUSE BILL NO. 2333

By Committee on Pensions and Benefits

"AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; benefits; sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund; amending K.S.A. 74-4915 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205 and 75-6609 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2333 was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 213** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 213," as follows:

"HOUSE Substitute for SENATE BILL NO. 213

By Committee on Transportation

AN ACT concerning motor vehicles; relating to safety belts; uniform act regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 213 was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2393, AN ACT concerning state employees; relating to abolishing longevity bonus; amending K.S.A. 2010 Supp. 75-5551 and repealing the existing section; also repealing K.S.A. 2010 Supp. 75-5541, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6017—

By Committee on Transportation

A RESOLUTION urging the United States congress to repeal 23 U.S.C. § 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state.

WHEREAS, The United States congress approved 23 U.S.C. § 127(d) on June 1,

1991, which froze the truck size and weight limits to those weights and lengths that were being operated at such time; and

WHEREAS, Operation of more productive vehicles has been frozen by federal law for 20 years; and

WHEREAS, The custom harvesting industry requested that the legislature approve additional length for their combination vehicles and were informed of the federal freeze and the potential loss of federal highway funds to Kansas should the freeze be violated; and

WHEREAS, States should have the flexibility to adopt vehicle size and weight laws necessary for the economic growth for the state and region; and

WHEREAS, The Western Governors' Association has approved a policy resolution urging congress to lift the freeze on more productive trucks for the 13 western states: Kansas, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming; and

WHEREAS, Any change in vehicle size and weight laws must be adopted by both the Kansas House of Representatives and Kansas Senate and approved by the Governor: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we urge the United States congress to repeal 23 U.S.C. § 127(d) and eliminate the freeze on more productive trucks, thereby allowing Kansas to respond to new technology and new vehicle size and weight requirements

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the United States secretary of transportation and each member of the Kansas congressional delegation.

On motion of Rep. Siegfreid, the House recessed until 4:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CHANGE OF REFERENCE

Speaker pro tem Vickrey announced the withdrawal of **SB 33** from Committee on Education and referral to Committee on Health and Human Services.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 37** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 37," as follows:

"HOUSE Substitute for SENATE BILL NO. 37

By Committee on Corrections and Juvenile Justice

AN ACT concerning the Kansas offender registration act; amending K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A. 2010 Supp. 22-4902, 22-4904,

22-4905, 22-4906, 22-4907, 22-4913 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 22-4912 and K.S.A. 2010 Supp. 21-4619."; and the substitute bill be passed. (H. Sub. for SB 37 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 60** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 60," as follows:

"HOUSE Substitute for SENATE BILL NO. 60

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal punishment and procedure; relating to grand juries, relating to appeals; relating to community corrections; amending K.S.A. 22-3001 and 22-3601 and K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 60 was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2357, HB 2374 reported correctly engrossed March 16, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Friday, March 18, 2011.

Journal of the House

FORTY-FIFTH DAY

Hall of the House of Representatives, Topeka, KS, Friday, March 18, 2011, 11:00 a.m.

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

The roll was called with 122 members present. Reps. Fund and Schwab were excused on verified illness. Rep. Grosserode was excused on excused absence by the Speaker. Present later: Rep. Schwab.

Prayer by Chaplain Brubaker:

Our Heavenly Father. here we are in the middle of March Madness. I understand why we call it that. March weather is so unpredictable snowy one day – warm and sunny the next. The political climate can be so unpredictable calm and unified one day – frustration and debate the next. And, of course, college basketball is so unpredictable low seeded teams surprising high seeds – middle seeded teams blowing our brackets. There is, however, one predictable element we can be assured of during this month that is Your love. Fatherit never changes and endures forever. So in the midst of all the unpredictable, may we remain firmly established in Your undying love. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. M. Holmes.

Kansas Trivia Question – Name three Kansas towns with the shortest names. Answer: Amy, Gas, Elk, Way, Wea are some of them.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: HB 2393; SB 118, SB 154.

Education: SB 51.

Federal and State Affairs: SB 201.

Health and Human Services: Sub. SB 92.

Insurance: Sub. SB 138. Judiciary: Sub. SB 81. Transportation: HR 6017.

MESSAGES FROM THE SENATE

Announcing passage of SB 191, SB 215, SB 224.

Announcing passage of HB 2013, HB 2078, HB 2083, HB 2205, HB 2258.

Announcing passage of HB 2020, as amended; HB 2044, as amended; HB 2049, as amended by S. Sub. for HB 2049; HB 2076, as amended; HB 2172, as amended; HB 2192, as amended; HB 2282, as amended.

Announcing adoption of HCR 5009.

Also, announcing rejection of HB 2006.

Also, the Senate accedes to the request of the House for a conference on **HB 2175** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the House.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 191, SB 215, SB 224.

CONSENT CALENDAR

No objection was made to **SB 15** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 15, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2010 Supp. 40-2c01 and repealing the existing section, was considered on final action.

Call of the House was demanded.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan,

Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Fund, Grosserode, Kelley, Schwab.

The bill passed.

H. Sub. for SB 196, AN ACT concerning taxation; relating to IMPACT program; income tax deductions, expensing of investment expenditures; promoting employment across Kansas act, qualifications for benefits; income tax credits; sales tax exemptions; creating job creation program fund, administration and expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,211, 74-50,212, 74-50,213, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 105; Nays 17; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Bethell, Bollier, Burroughs, Dillmore, Finney, Frownfelter, S. Gatewood, Henderson, Kuether, Lane, Loganbill, McCray-Miller, Peterson, Ruiz, Tietze, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Grosserode, Schwab.

The substitute bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB** 2151 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Kinzer in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **HCR 5017** be adopted.

On motion of Rep. Wetta to amend SB 198, the motion did not prevail, and the bill be passed..

Committee report to **SB** 61 be adopted; also, roll call was demanded on motion of Rep. Frownfelter to amend on page 1, by striking all in line 36; on page 2, by striking all in line 1 through 16;

On page 1, in the title, in line 2 by striking "allocation of credits," in line 3, by striking "unitary group;"

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Bethell, Bollier, Boman, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelley, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Montgomery, Moxley, Pauls, Phelps, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Mast, McLeland, Meigs, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Vickrey, Weber, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Grosserode, Huebert, Landwehr, Mesa, Peterson, Schwab, Shultz.

The motion of Rep. Frownfelter did not prevail.

Also, roll call was demanded on motion of Rep. Bethell to amend **SB 61** on page 1, following line 7, by inserting "New Section 1. Beginning July 1, 2011, any new tax credit, deduction, or tax exemption which is forecasted by the division of budget to result in a decrease to state revenues, shall expire on July 1 of the fourth year after enactment, unless the legislature acts to continue the credit, deduction or exemption. A law that enacts a new tax credit, deduction or tax exemption or substantially amends an existing credit, deduction or exemption shall state that the credit, deduction or exemption expires at the end of four years and that the credit, deduction or exemption shall be reviewed by the legislature before the scheduled date.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 1, by striking "income"; in line 3, after "program;" by inserting "new credits, deductions and exemptions, expiration:"

On roll call, the vote was: Yeas 50; Nays 71; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Bethell, Bollier, Bowers, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood,

Grange, Grant, Henderson, Henry, Hill, Hineman, Kerschen, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Grosserode, Huebert, Peterson.

The motion of Rep. Bethell did not prevail, and SB 61 be passed as a amended.

On motion of Rep. Carlson, **H. Sub. for SB 1** (committee report recommending a substitute bill was adopted on page 538 on March 17, 2011) be amended on page 2, in line 2, by striking the comma; by striking all in lines 3 and 4; in line 5, by striking "1986.":

On page 3, by striking all in lines 42 and 43;

By striking all on pages 4 through 13;

On page 14, by striking all in lines 1 through 21, and inserting:

"Sec. 3. K.S.A. 2010 Supp. 79-32,110 is hereby repealed.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2 by striking all after the semicolon; in line 3, by striking "distribution;"; also in line 3, by striking ", 79-3603, 79-"; in line 4, by striking "3620, 79-3703 and 79-3710"; also in line 4, by striking "sections" and inserting "section":

Also, on motion of Rep. Brown, **H. Sub. for SB 1** be amended on page 2, in line 6, after "occurred" by inserting ", except that in no event shall the corporation normal income tax rate be less than 3.5% of the taxable income of such corporation";

Also, on motion of Rep. O'Hara to amend **H. Sub. for SB 1**, Rep. Phelps requested the question be divided. Part A of the motion of Rep. O'Hara did not prevail. Part B of the motion of Rep. O'Hara was withdrawn;

Also, on motion of Rep. Schroeder to amend, the motion did not prevail, and **H. Sub.** for **SB 1** be passed as amended.

Committee report to SB 193 be adopted; and the bill be passed as a amended.

Committee report to **HB 2117** be adopted; also, on motion of Rep. Patton be amended on page 7, following line 28, by inserting:

"New Sec. 3. (a) On or after July 1, 2011, any qualified new company as defined in subsection (c)(1), shall be eligible to retain 95% of the qualified new company's Kansas payroll withholding taxes upon wages paid by such qualified new company for a period of one year from the date the qualified company establishes a new business and commences business operations.

(b) Any qualified new company shall submit in a form and in a manner prescribed by the secretary, information that proves that the applicant is a qualified new company, including the date of establishment of the new business and commencement of business operations, the number of employees hired by the qualified new company, the amount of gross wages being paid to each employee and such other information as required by the secretary. If the qualified new company fails to meet the provisions of this section, the qualified new company shall not be entitled to any further benefits provided under this section. In such case, the qualified new company shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified new company pursuant to this section as of the date the qualified new company fails to comply with the provisions of this section.

- (c) As used in this section: (1) "Qualified new company" means a company which establishes a new business and commences business operations on or after July 1, 2011, and has 10 or less employees. If a company commences business operations with 10 or less employees and hires additional employees during the first year of operation to exceed this ten-employee limitation, such company shall still qualify for benefits pursuant to this section for the first 10 employees for such first year of operation but shall not be eligible for such benefits for any employees above the first 10 employees. Such company shall include a person, for-profit corporation, limited liability company, S corporation, partnership, registered limited liability partnership, and sole proprietorship that is subject to the Kansas income tax act, K.S.A. 79-3201 et seq., and amendments thereto. No company or person shall be eligible under this section if such person, company or ownership interest of such company had an ownership interest in a business of the same nature or character within the one-year period prior to commencement of the new business, or if the secretary determines such company created the new company for the purpose of avoiding taxation; and
 - (2) "secretary" means the secretary of the department of revenue.
- (d) The secretary of revenue is hereby authorized to adopt rules and regulations necessary to administer the provisions of this section.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 1, by striking "sales and use"; also in line 1, after "of" by inserting "sales and use"; in line 2, by striking the first semicolon and inserting a comma; also in line 2, after "exemptions;" by inserting "income taxation, retention of Kansas payroll withholding taxes by certain employers, requirements and procedures;";

Also, on motion of Rep. Smith to amend **HB 2117**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Fawcett to amend **HB 2117**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Brunk to amend HB 2117, the motion was withdrawn.

Also, on motion of Rep. Collins to amend **HB 2117**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

On motion of Rep. Brunk to amend **HB 2117**, the motion did not prevail. Also, on further motion of Rep. Brunk to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on Commerce and Economic Development recommends HB 2336 be amended on page 1, in line10, by striking all after "employment" where it appears for the first time; by striking all in line 11; in line 12, by striking "disability"; also in line 12, by striking "support the"; in line 13, by striking "employment of" and inserting "provide services and support to help obtain employment for"; in line 15, following the period, by inserting "Nothing in this section shall be construed to require any employer to give preference to hiring people with a disability."; in line 24, by striking all after

"Sec. 3."; by striking all in lines 25 through 36;

On page 2, by striking lines 1 through 28 and inserting:

- "(a) The governor shall designate one cabinet agency as the lead agency member to establish measurable goals and objectives for the state of Kansas to ensure implementation of this act. Such lead agency shall track the measurable progress of public agencies in implementing this act. All state agencies shall fully cooperate with and provide data and information necessary to assist the lead agency in carrying out its duties.
- (b) The lead agency designated by the governor shall issue an annual report on or before January 30 each year which shall be presented to the governor and to the chairperson of each of the senate committee on ways and means and the house committee on appropriations. The report shall detail progress toward the goals and objectives and full implementation of this act. The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative. The lead agency shall be responsible for compiling data and coordinating the preparation of the annual report. All state agencies shall cooperate with the lead agency on the creation and dissemination of the annual report."; and the bill be passed as amended.

Committee on Corrections and Juvenile Justice recommends SB 23 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 23." as follows:

"HOUSE Substitute for SENATE BILL NO. 23 By Committee on Corrections and Juvenile Justice

"AN ACT concerning children and minors; relating to jury trials; relating to high school diplomas for children in the custody of the secretary and children in need of care; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 23 was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 11** be amended on page 1, in line 10, after the comma, by inserting "as provided by this section,"; in line 12, after "207" by inserting "on September 20 of the current school year"; following line 12, by inserting:

- "Sec. 2. K.S.A. 2010 Supp. 72-1046b is hereby amended to read as follows: 72-1046b. (a) As used in this section:
- (1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.
- (2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who (A) lives

- 40 2 ½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county. Sedgwick county. Shawnee county or Wyandotte county or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).
- (3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.
- (b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.
- (c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section shall be counted as regularly enrolled in and attending school in the district where the pupil is enrolled for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such non-resident pupil shall not be charged for the costs of attendance at school.
 - Sec. 3. K.S.A. 2010 Supp. 72-1046b is hereby repealed.";

Also on page 1, in the title, in line 1, by striking "transportation of" and inserting "certain"; in line 2, by striking "residing on the Leavenworth military reservation" and inserting "; amending K.S.A. 2010 Supp. 72-1046b and repealing the existing section"; and the bill be passed as amended.

Committee on **Education** recommends **Sub. SB 33** be amended on page 1, in line 10, after "licensed" by inserting "by the state board of healing arts"; in line 11, after "surgery" by inserting "or chiropractic":

On page 2, by striking all in lines 6 through 22;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "high"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 129** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 129," as follows:

"HOUSE Substitute for SENATE BILL NO. 129

By Committee on Elections

"AN ACT concerning elections; amending K.S.A. 25-321, 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 129 was thereupon introduced and read by title.)

Committee on **Energy and Utilities** recommends **HR 6008** be amended on page 1, in line 23, by striking "greenhouse"; after "regulation" by inserting "of greenhouse gas emissions"; in the title, in line 2, by striking "train wreck" and inserting "mandate"; and the resolution be adopted as amended.

Committee on Financial Institutions recommends SB 185 be passed.

Committee on **Government Efficiency** recommends that **Sub. HB 2221** be amended by substituting a new bill as recommended by Committee on Government Efficiency as reported in the Journal of the House on February 23, 2011, and the substitute bill be amended:

On page 1, in line 7, after "(a)" by inserting "As used in this section, "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch.

(b)";

And redesignating the subsections accordingly;

Also on page 1, in line 13, after the period by inserting "Under this program monetary or non-monetary awards may be made to state employees. Non-monetary awards may include, but are not limited to, a medal, an annual award luncheon held by the employee's respective state agency or public recognition by the Kansas house of representatives or the Kansas senate." in line 19, by striking "(f)" and inserting "(g)";

On page 2, in line 5, after "of" by inserting "state"; in line 11, by striking all before "shall" and inserting "(g) (1) (A) The secretary of administration"; in line 13, after "reductions" by striking "in that" and inserting "to their respective state"; in line 17, by striking all before "for" and inserting "awarded a monetary or non-monetary employee award or awards"; in line 18, by striking "(a)" and inserting "(b)"; also in line 18, before "agency" by inserting "state"; also in line 18, by striking "Such a"; in line 19, by striking all before "for" and inserting "Monetary awards"; by striking all in lines 30 through 33 and inserting the following:

"Should multiple employees make similar suggestions for cost reduction, as determined by the state agency, each employee shall submit to the head of the state agency a list of each employee's percentage contribution to the suggestion for cost reduction. Upon adoption of the suggestion by the state agency, the head of the state agency shall make the final determination as to each employee's percentage contribution. Such multiple employees shall then share the documented cost reduction in such percentage shares as determined by the head of the state agency, up to a maximum of \$5,000 per employee."

Also on page 2, in line 34, after "The" by inserting "state";

On page 3, following line 2, by inserting the following:

- "(3) Each state agency that has awarded an employee under the state agency's employee suggestion program pursuant to this subsection shall report all information related to the award to the secretary of administration.
- (4) At the beginning of each regular session of the legislature, the secretary of administration shall provide all information received by state agencies pursuant to subsection (f)(3) to the appropriate committees of the legislature.
- (5) The secretary of administration shall provide all information regarding the state employee suggestion program to all state agencies by a pamphlet, brochure or by publication on the official website of the department of administration."

Also on page 3, following line 14, by inserting the following:

"(i) Any person elected or appointed to a state agency position shall not be a

recipient of a monetary or non-monetary award under this section."; and the substitute bill be passed as amended."

Committee on **Government Efficiency** recommends **SB 115** be amended on page 1, by striking all in lines 5 through 7 and inserting the following:

- "New Section 1. (a) The legislature finds that performance measures are an important management tool that has been utilized by state agencies for numerous years.
- (b) The legislature finds that the use of quantifiable performance measures can be used by the governor and the legislature to assess the effectiveness over time of programs and actions of each state agency.
- New Sec. 2. As used in sections 1 through 3, and amendments thereto:
- (a) "State agency" shall be defined as set forth in K.S.A. 75-3049, and amendments thereto, except that the university of Kansas hospital authority shall not be included in such definition for the purposes of sections 1 through 3, and amendments thereto; and
- (b) "performance measures" means a quantitative or qualitative indicator used to assess state agency performance, including outcome and output indicators.
- New Sec. 3. (a) Each state agency shall consult with a representative of the department of legislative research and the director of the budget or the director's designee to modify each agency's performance measures to standardize those performance measures and to utilize best practices across all state agencies.
- (b) On or before October 1 of each year, each state agency shall submit an annual report based on those performance measures to the legislative budget committees, the director of the budget and the secretary of administration.
- (c) The required reports in subsection (b) sent to the department of administration shall be posted on the website created pursuant to K.S.A. 2010 Supp. 74-72,123, and amendments thereto.
- New Sec. 4. Sections 1 through 3, and amendments thereto, shall be part of and supplemental to article 30 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.
- Sec. 5. K.S.A. 2010 Supp. 74-72,123 is hereby amended to read as follows: 74-72,123. (a) As used in the Kansas taxpayer transparency act:
- (1) "Searchable website" means a website that allows the public to search and aggregate the information identified in subsection (b) including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures (A) of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration, (B) of compensation paid to public employees employed by state agencies, and (C) of bond debt as specified in this act.
- (2) "Agency" means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.
- (3) "Board" means the public finance transparency board.
- (b) No later than March 1, 2009, the secretary of administration shall develop and operate a single, searchable website accessible by the public at no cost to access, that includes:
- (1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include,

but not be limited to:

- (A) Disbursements by any state agency from funds established within the state treasury;
- (B) bond debt payments;
- (C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;
- (D) contractual services including, but not limited to, amounts paid to individual vendors;
- (E) commodities including, but not limited to, amounts paid to individual vendors;
- (F) capital outlay including, but not limited to, amounts paid to individual vendors;
- (G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
- (H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;
- (I) other assistance and benefits;
- (J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues; and
- (K) tax expenditures as reported by the secretary of revenue in the annual tax expenditure report.
- (2) Annual revenues, as determined by the secretary of administration and as available within the central accounting system, shall include, but not be limited to:
- (A) Receipts or deposits by any state agency into funds established within the state treasury;
- (B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;
- (C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;
- (D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;
- (E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
- (F) other revenue including, but not limited to, receipts not classified elsewhere; and
- (G) non-revenue receipts including, but not limited to, all receipts that do not constitute revenue.
- (3) Annual bonded indebtedness which shall include, but not be limited to the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.
- (4) The annual performance measures report of each state agency as required pursuant to section 3, and amendments thereto.
- (4) (5) Any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board as established in K.S.A. 2010 Supp. 74-72,124, and amendments thereto.
- (c) The single website provided for in subsection (b) of this section shall include data

for fiscal year 2003 and each fiscal year thereafter. The website shall be designed so that such data shall be retained on the single website for not less than 10 years and shall include data for the most recent fiscal years. Data that is available in the central accounting system and state payroll system shall be on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year. The secretary of administration shall develop policies and procedures to make data available from any other source. Nothing in this act shall require the secretary of administration to provide information on the website that is not available in the central accounting system and the state payroll system at the time of initial implementation of the website. After implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of this section.

- (d) Any state agency shall provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of this act.
- (e) Nothing in this act shall permit or require the disclosure of information which is considered confidential by state or federal law.
- Sec. 6. K.S.A. 75-3715 is hereby amended to read as follows: 75-3715. The director of the budget shall:
- (a) Keep in continuous touch with the operations, plans and needs of state agencies, and with the sources and amounts of revenue and other receipts of the state;
- (b) analyze the quantity and quality of services rendered by each agency, and the needs for such services and for any new services;
- (c) prepare under the supervision of the incoming governor, the budget report for submission to the legislature:
- (d) prepare a legislative measure or measures reflecting the incoming governor's budget;
- (e) consider and act on applications for transfers between appropriations of the same agency as provided by law;
- (f) survey such work programs and periodical allotment requests submitted by state agencies as are required by this act;
- (g) report to the governor and to the incoming governor on the operation of the budget system and advise and assist the governor, incoming governor, state finance council, legislature and its ways and means and appropriations committees on request, concerning any matters relating to the budget; and
- (h) provide management analysis service to state agencies:
- (i) consult with each state agency and a representative of the legislative research department to modify each agency's performance measures to standardize those performance measures and to utilize best practices across all state agencies.
- Sec. 7. K.S.A. 75-3716 is hereby amended to read as follows: 75-3716. The director of the budget shall prepare the budget report, with the related legislative measure or measures, for the incoming governor's approval and submission to the legislature. The director of the budget shall, on or before September first 1 of each year, furnish to every state agency or person authorized to spend or receive state funds a sufficient number of budget estimate forms. The forms shall be prepared by the director of the budget and shall be so designed as to show actual expenditures for at least the last preceding

completed fiscal year, estimated expenditures for the current fiscal year, and requests for each succeeding fiscal year, and data for like periods with respect to receipts and actual or estimated balances at the end of such fiscal years.

The director of the budget may require the estimated expenditures to be classified so as to set forth the data by funds, state agencies, character and objects of expenditures, which expenditures may also be required to be classified by functions and activities. The director of the budget may require the revenue estimates to show the basis upon which the estimates were made and the factors involved in the same, and to be classified so as to show receipts by funds, and sources and types of income. The director of the budget may require such further detail, work programs, supplemental and supporting data, and such information as may be necessary to carry out the provisions of this act.

The director shall also consider the annual performance measures reports submitted to the director pursuant to section 3, and amendments thereto.

New Sec. 8. Sections 8 through 22, and amendments thereto,

shall be known and may be cited as the Kansas advisory council on privatization and public-private partnerships act.

New Sec. 9. (a) For the purposes of sections 1 through 4, and amendments thereto, it is the public policy of this state to provide the highest quality services at the lowest possible cost to taxpayers. Efficiency can only be achieved, however, if decisions about how government services are provided are governed by the following fundamental principles:

- (1) The state government should not compete with private businesses that provide the same goods and services:
- (2) the state government should not replicate, duplicate or compete with not-for-profit organizations that provide the same goods and services;
- (3) the state government should not replicate, duplicate or compete with the federal government or local units of government that provide the same goods and services;
- (4) there are certain functions and operations of state government that are inherently governmental and cannot be outsourced, and these activities are intimately related to the public interest; and
- (5) when activities are clearly not governmental functions and operations, the state government should conduct a rigorous comparison of private business or not-for-profit organizational costs with the costs of the state government providing those functions and operations.
- (b) The purpose of the Kansas advisory council on privatization and public-private partnerships is:
- (1) To ensure that each state agency focuses on its core mission, and delivers goods and services effectively and efficiently by leveraging resources and contracting with private business suppliers or not-for-profit organizations if those entities can more effectively and efficiently provide such goods and services thereby reducing the cost of government while expanding those services to the greatest number of citizens;
- (2) to develop a comprehensive and detailed process to analyze opportunities to improve the efficiency, cost-effectiveness and quality of state governmental services, operations, functions and activities; and
- (3) to evaluate for feasibility, cost-effectiveness and efficiency, business cases that potentially could be outsourced and make recommendations to state agencies prior to

the outsourcing of goods or services.

New Sec. 10. As used in sections 8 through 22, and amendments thereto:

- (a) "Activity" means the provision of goods or services or the performance of any function or operation by a state agency.
- (b) "Affiliated" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity.
- (c) "Business case" means any proposal to outsource a state agency activity or eliminate replication or duplication of a state agency activity and operations carried out by a private business, not-for-profit organization or other government agency.
- (d) "Contractor" means any private business or not-for-profit organization that contracts with a state agency to perform an activity previously performed by such state agency.
- (e) "State agency" means any department, authority, office or other governmental agency, including the board of regents and any postsecondary educational institution, of this state. The term shall not include any political subdivision of the state, municipality or other unit of local government.
- New Sec. 11. (a) There is hereby created a body politic and corporate to be known as the Kansas advisory council on privatization and public-private partnerships. The Kansas advisory council on privatization and public-private partnerships is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by the Kansas advisory council on privatization and public-private partnerships act shall be deemed and held to be the performance of an essential governmental function.
- (b) The council shall consists of 11 members as follows:
- (1) One member, who shall be either the lieutenant governor or the chief executive of a state agency, who shall be appointed by the governor:
- (2) two members, who shall be engaged in private business and are not members of the legislature, appointed by the governor:
- (3) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the president of the senate;
- (4) three members, who shall be engaged in private business and only one of whom may be a member of the legislature, appointed by the speaker of the house of representatives;
- (5) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the senate; and
- (6) one member, who shall be engaged in private business and who shall not be a member of the legislature, appointed by the minority leader of the house of representatives.
- (c) Members shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the council shall exercise any power, duty or function as a member of the council until confirmed by the senate.
- (d) Members shall serve for a term of two years. Terms of members appointed pursuant to this section shall expire on March 15. In the case of the member who is a state official, such member shall serve for a term of two years, or until such member ceases to hold public office, whichever occurs first. Members shall serve until a

successor is appointed and confirmed.

- (e) After the expiration of a member's term, or whenever a vacancy occurs a member shall be appointed as described in subsection (a). In the event of a vacancy the appointment shall be for the remainder of the unexpired portion of the term. Any member is eligible for reappointment for successive two-year terms.
- (f) No member shall appoint a designee to serve in such member's place on the council.
- (g) The council shall annually elect a member as chairperson. The member appointed pursuant to paragraph (a)(1) and any member who is a member of the legislature is not eligible to serve as chairperson.
- (h) The council shall meet at least four times a year at the call of the chairperson. A quorum shall consist of a majority of the members of the council.
- (i) Members attending council meetings shall be entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto.
- New Sec. 12. In order to achieve its purpose as provided in the Kansas advisory council on privatization and public-private partnerships act, the council shall:
- (1) Review and evaluate the possibility of outsourcing goods or services provided by a state agency to a private business or not-for-profit organization that is able to provide the same type of good or service and whether such action would result in cost savings to the state:
- (2) review and evaluate the possibility of outsourcing operations or functions of a state agency to a private business or not-for-profit organization that is able to more efficiently and cost-effectively perform such operation or function;
- (3) review and evaluate instances where a state agency is providing goods or services in competition with one or more private businesses to determine ways to eliminate such competition;
- (4) review and evaluate instances where a state agency is providing goods or services that replicate, duplicate or compete with one or more not-for-profit organizations or federal or local units of government:
- (5) make any requests it deems necessary to state agencies for an inventory of such agency's activities that may be outsourced, or that compete with, replicate or duplicate activities provided by private entities or federal or local units of government;
- (6) develop and implement a standard process for reviewing business cases pursuant to the Kansas advisory council on privatization and public-private partnerships act;
- (7) make recommendations to state agencies regarding the outsourcing of operations, functions and the provision of goods and services based on the council's review and evaluation of business cases pursuant to the Kansas advisory council on privatization and public-private partnerships act; and
- (8) identify and distribute information regarding the best practices in outsourcing efforts to state agencies.
- (b) The council may appoint advisory groups, provided, at least one member of the council is appointed to each such group.
- (c) The council shall annually prepare and submit a report to the governor, the committee on ways and means of the senate and the committee on appropriations of the house of representatives. The report shall be submitted no later than January 15, and shall contain details of the council's activities for the immediately preceding year and include the following:

- (1) Recommendations on methods of delivering government services that would improve the efficiency, effectiveness and delivery of government services;
- (2) outsourcing efforts of state agencies, including the number of business cases reviewed, those recommended for outsourcing and the state agency action on the business case; and
- (3) information on all outsourcing contracts entered into the preceding year, including, the dollar value of each outsourcing contract, descriptions of performance results, any breach of contract or inadequate performance, and the status of extensions, renewals and amendments of outsourcing contracts.

New Sec. 13. The staff of the legislative research department shall

provide such assistance as may be requested by the Kansas advisory council on privatization and public-private partnerships.

New Sec. 14. A business case may be submitted by the governor, any member of the legislature, any state agency, a private business, a not-for-profit organization or any government entity that is not a state agency. A business case shall be submitted in the manner and form prescribed by the council.

- (b) A business case shall include the following:
- (1) A description of the state agency activity the council is to review and evaluate;
- (2) a description of the private market for such activity; and
- (3) a proposal as to the price to be paid by the state agency if such activity were outsourced.
- (c) If the business case is submitted by a state agency, the
- following shall also be included in the business case:
- (1) A description and analysis of the agency's performance with respect to such activity;
- (2) an analysis comparing the potential costs and savings to the agency between outsourcing the activity and continuing to perform such activity:
- (3) a citation to existing legal authority for outsourcing such activity;
- (4) a transition plan that addresses changes in personnel, equipment, office location and communication with clients and the general public should such activity be outsourced;
- (5) a description of any legislative action necessary to accomplish the outsourcing of such activity; and
- (6) a description of specific performance standards that a contractor must meet in performing such activity, including:
- (A) Specific and measurable goals to be met by the contractor;
- (B) a plan to ensure compliance by the contractor with all applicable laws and regulations; and
- (C) a contingency plan addressing the contractor's nonperformance or inadequate performance of such activity.
- (d) If the business case is submitted by an entity other than a state agency, the council shall send a copy of the submitted business case to the state agency currently performing the activity in question. The state agency shall have 30 days from receipt of the business case to submit a response to the council. The response shall include those items set forth in subsection (c).
- (e) The council may review and evaluate any business case that is submitted to the council to determine: (1) If there is competition, replication or duplication of an activity

by a state agency with a private business, not-for-profit organization or other government entity; (2) whether such activity may be outsourced such state agency; and (3) the costs and savings that will likely result from such outsourcing.

- (f) In conducting its review and evaluation of a business case the council shall consider the state agency's response submitted pursuant to subsection (d), if applicable, and determine whether the activity in question is an inherent governmental function that cannot be outsourced, or a commercial activity which may be performed by an entity other than the state agency. The council may hold public hearings, seek advice from advisory groups and request additional information from the state agency.
- (g) Any member of the council that is either employed by the state agency which is performing the activity that is the subject of a business case under review, or is affiliated with a private business or not-for-profit organization that could perform such activity shall not participate in the review and evaluation of that particular business case.
- (h) Upon completion of its review and evaluation the council shall prepare a report on its findings and recommendations. Copies of the council's final report on a business case shall be sent to the entity that initially submitted the business case, and the state agency which performs the activity that is the subject of the business case.
- (i) Any state agency receiving a report pursuant to subsection (h) shall submit a response to the council within 45 days after receipt of the report. The response shall include the agency decision with respect to outsourcing or eliminating the activity, the reasons supporting the decision and the implementation date, if any.
- New Sec. 15. Any contract entered into by a state agency with a private business or not-for-profit organization which is an agreement for the private business or not-for-profit organization to perform an activity previously performed by the state agency shall include the following:
- (a) A specific scope of work statement clearly identifying the activity to be performed by the contractor;
- (b) if services are being provided, an agreement as to what constitutes adequate provision of such services, and the ability of the state agency to resume provision of such services if not adequately provided by the contractor; (c) a specific transition plan providing for the transfer of the activities in question to the contractor; (d) specific and measurable performance standards that must be met by the contractor;
- (e) a provision granting the state agency access to all relevant documents and records of the contractor necessary for the purposes of verifying the contractor is meeting all performance standards and auditing the contractor's performance;
- (f) a provision requiring the contractor to interview and consider for employment any state employee previously employed by the state agency who expresses an interest in such employment; and
- (g) a contingency plan for transferring such activity back to the state agency in the event the contractor does not meet the required performance standards.
- New Sec. 16. (a) When any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, is not awarded to a vendor after such vendor has submitted the lowest bid for such contract, the director of purchasing of the department of administration shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director. In the event the contract is awarded by a state agency other than the

- department of administration, such state agency shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchasing of the department of administration.
- (b) On or before January 12, the director of purchasing of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and Kansas advisory council on privatization and public-private partnerships a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.
- (c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation.
- New Sec. 17. (a) When any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, is not awarded to a vendor that is: (1) Domiciled in this state; (2) proposing to have the work which is the subject matter of the contract performed by employees subject to Kansas income withholding taxes; and (3) subject to Kansas income taxes, the director of purchasing of the department of administration shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the director. In the event the contract is awarded by a state agency other than the department of administration, such state agency shall prepare a written explanation detailing the reasons why such vendor was not awarded the contract and why the deficiencies in such vendor's bid could not be remedied to the satisfaction of the head of such state agency, and submit such written explanation to the director of purchasing of the department of administration.
- (b) On or before January 12, the director of purchasing of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and the Kansas advisory council on privatization and public-private partnerships a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.
- (c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation or to contracts for building construction.
- (d) For purposes of this section, the term "building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure; including multilevel parking structures and stand-alone parking lots.
- New Sec. 18. (a) Any contract for the purchase of goods or services by any state agency, as that term is defined in K.S.A. 75-3701, and amendments thereto, which

includes a provision for the automatic renewal or extension of such contract, shall be reviewed by the head of such agency to determine if such contract shall be allowed to be automatically renewed or extended. Such review shall include an evaluation of the cost savings the agency might benefit from if the agency were to terminate the contract and issue a new request for proposal. If the head of the state agency determines that it is in the agency's best interest to allow the contract to be automatically renewed or extended, then the head of the state agency shall prepare a written explanation detailing the reasons why such contract was allowed to be automatically renewed or extended and submit such written explanation to the director of purchasing of the department of administration.

- (b) On or before January 12, the director of purchasing of the department of administration shall transmit to the standing committee on appropriations of the house of representatives, the standing committee on ways and means of the senate and the Kansas advisory council on privatization and public-private partnerships a report that shall include all written explanations prepared in accordance with this section during the immediately preceding year.
- (c) The provisions of this section shall not apply to contracts that are subject to the provisions of K.S.A. 75-5801 et seq., and amendments thereto, or K.S.A. 75-1250 et seq., and amendments thereto, or to contracts in support of the planning, development or implementation of a road, bridge or public transportation construction program of the department of transportation.
- New Sec. 19. The provisions of sections 16 through 18, and amendments thereto, shall not apply to any activity conducted by or under the authority of the state board of regents, or to any contract entered into by the state board of regents or any postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto.
- New Sec. 20. The provisions of the Kansas advisory council on privatization and public-private partnerships act shall only apply to state agencies that receive state appropriations, state general funds or federal funds appropriated through the state.
- New Sec. 21. If any provision of sections 8 through 22, and amendments thereto, or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provisions or application and to this end the provisions of sections 8 through 22, and amendments thereto, are declared to be severable.
- New Sec. 22. The provisions of sections 8 through 22, and amendments thereto, shall expire on July 1, 2014.
- Sec. 23. K.S.A. 75-3715, 75-3716, 75-5002 and 75-5003 and K.S.A. 2010 Supp. 74-72,123 are hereby repealed.
- Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.":
- On page 1, in the title, in line 1 by striking all after "An ACT"; and inserting "concerning state agencies and other public bodies; amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-72,123 and repealing the existing sections; repealing K.S.A. 75-5002 and 75-5003."; and by striking all in line 2.

And the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2340** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2340," as follows:

"Substitute for HOUSE BILL NO. 2340

By Committee on Health and Human Services

"AN ACT concerning crimes and punishments; relating to smoking; amending K.S.A. 2010 Supp. 21-4009 and 21-4010 and repealing the existing sections."; and the substitute bill be passed.

(Sub. HB 2340 was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 134** be amended on page 12, in line 5, by commencing a new paragraph with "(1); in line 7, by commencing a new paragraph with "(2)";

On page 67, in line 2, before "its" by inserting "January 1, 2012, and"; and the bill be passed as amended.

Committee on Local Government recommends SB 112, SB 119 be passed.

Committee on **Local Government** recommends **SB 40** be amended on page 1, in line 24, by striking the comma and inserting "or"; in line 25, by striking "and welfare"; in line 31, after the period, by inserting "Construction of a replacement building remains subject to the provisions of subsection (a)."; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 74, by Representative Peck, congratulating Reverend Gerald Morris on his retirement after 45 years of ministry;

Request No. 75, by Representative O'Neal and Billinger, recognition is given in honor and in memory of Jim Morrison for his lifetime of service to Kansas;

Request No. 76, by Representative Peck, congratulating Myrtle Scott on her 90th birthday;

Request No. 77, by Representative Pottorff, congratulating Kiana Knolland on being named Kansas Youth of the Year by the Boys and Girls Clubs;

Request No. 78, by Representative Gregory, congratulating Baldwin City High School, Real World Design Challenge Team on being named 2011 State Champions;

Request No. 79, by Representative Bowers, congratulating Linda Sutton, North Central Kansas Small Development Center, on being named one of America's 10 most helpful Small Business Development Centers by Inc Magazine;

Request No. 80, by Representative Vickrey, congratulating the bands and choirs at Louisburg Middle School on earning I+ and I results at the Prairie View Invitational Music Festival;

Request No. 81, by Representative Sloan, congratulating Dr. Medford H. Shively on receiving the French Medal of Honor and being named Knight of the Legion of Honor;

Request No. 82, by Representative Sean Gatewood, congratulating Donnie Lockhard for winning the 5A 189# State Wrestling Championship, capping a perfect 38-0 season and also, being offered a football scholarship in Oklahoma but opting to play at Washburn University:

Request No. 83, by Representative Pottorff, congratulating Nestor Weigand in recognition for receiving the 2011 Uncommon Citizen Award from the Wichita Metro Chamber;

Request No. 84, by Representative Pottorff, congratulating Michael Weigand in recognition for receiving the 2011 Uncommon Citizen Award from the Wichita Metro Chamber:

Request No. 85, by Representative Carlin, congratulating J. R. Wolf on achieving the rank of Eagle Scout;

Request No. 86, by Representative Grange, congratulating Ralph and Margaret Carlisle on their 66th Wedding Anniversary;

Request No. 87, by Representative Bowers, congratulating Doug Rees for being named the 2010 Volunteer of the Year for the Lincoln County Emergency Services;

Request No. 88, by Representative Gordon, congratulating Matthew Murray on achieving the rank of Eagle Scout;

Request No. 89, by Representative DeGraaf, commending Scout Master Howard Walker for 27 years of dedicated service to Scouting;

Request No. 90, by Representative Mast, congratulating Olpe High School Lady Eagles Basketball Team for winning the 2011 1A State Championship;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2394, AN ACT concerning courts; relating to the court of appeals; amending K.S.A. 2010 Supp. 20-3002 and repealing the existing section, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 21** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **SB 41** from the calendar under the heading General Orders and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfreid pursuant to House Rule 2311, SB 198, SB 61; H. Sub. for SB 1; SB 193 were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 198, AN ACT concerning economic development; creating rural opportunity

zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 18; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McLeland, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Weber, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Finney, Flaharty, Frownfelter, Henderson, Kelley, Kinzer, Kuether, Loganbill, McCray-Miller, Meigs, O'Hara, Ruiz, Shultz, Victors, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, Grosserode, Huebert, Peterson. The bill passed.

SB 61, AN ACT concerning income taxation; relating to credits; individual development accounts;, contribution amounts, allocation of credits, unitary group; high performance incentive program; amending K.S.A. 79-32,141 and K.S.A. 2010 Supp. 74-50,208 and 79-32,160a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 22; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, Henderson, Kuether, Loganbill, McCray-Miller, Moxley, O'Hara, Pauls, Phelps, Ruiz, Tietze, Trimmer, Victors, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, Grosserode, Huebert, Peterson.

The bill passed, as amended.

H. Sub. for SB 1, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 73; Nays 47; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, Grosserode, Huebert, Peterson.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: I have voted for hundreds of millions of dollars in tax cuts. I support returning the peoples' money. Eliminating income tax is bad public policy. Our three-legged stool is cut to two – the worst two we could choose. Sales tax is a regressive tax. Property tax is the most hated – you never really own your property. Why would we want to increase property taxes by billions of dollars? This bill also removes our responsibility to manage tax policy by giving it over to an arbitrary formula. I vote for a balanced tax policy. I vote to do my job. I vote no on **H. Sub. for SB 1**. – Ann Mah, Vincent Wetta, Sydney Carlin

SB 193, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast,

McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Flaharty, Henderson, Kuether, Lane, Ruiz, Shultz, Tietze, Victors, Winn.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, Grosserode, Huebert, Peterson.

The bill passed, as amended.

REPORT ON ENROLLED BILLS

HB 2003, HB 2057 reported correctly enrolled, properly signed and presented to the Governor on March 18, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Monday, March 21, 2011.

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 21, 2011, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Present later: Rep. Huebert.

Prayer by guest chaplain, Deacon Evertt Schultz, First Mennonite Church, Pretty Prairie, guest of Rep. Seiwert:

Our Father in Heaven,

We come before Thee this morning thanking you for the many blessings you have bestowed upon our great nation and upon this great state of Kansas. I want to thank you that this great state still opens each session of this House with prayer. Your Word tells us that where two or three are gathered together in Your name, there You are in the midst of them. So I thank You that You are with us in this House right now.

I come before you today to ask for your wisdom and guidance to be given to these people in this great hall. There are so many issues that must be addressed and probably at times these people feel that the problems are too big and too complex to be resolved. The decisions they make will affect our children and grand-children. And yet, I know that You can provide the wisdom and guidance to solve the needs of this state and provide a better state for years to come. Father, Your word says that the "The fear of the Lord is the beginning of wisdom." Your word also states that "If any of you lack wisdom, let him ask of God, that gives to all men liberally and without reproach; and it will be given him." Therefore, Father, I ask that you will give wisdom and understanding. I pray that they will be able to make decisions that meet the needs of this great state not only for us today, but also for our children and grand-children.

And so Father, please bestow your wisdom upon these people. Give them encouragement. Give them guidance. Help them to be able to discern the right decisions. Keep them from buckling to the pressures that are around them. Help them to represent the people

who elected them, and to look out for the people's interests, when there may be times when it is difficult to stay the course.

During the remaining days of this year's session; I ask for Your encouragement, Your wisdom, and Your guidance to direct the decisions that are made. May their decisions be according to Your will. In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Rep. Cassidy.

Kansas Trivia Question – In 1920 Phog Allen coached University of Kansas teams in what two sports?

Answer: Basketball and Football.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: SB 191.

Energy and Utilities: SB 215, SB 224.

Judiciary: HB 2394.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Sloan, **HR 6012**, A RESOLUTION in memory of Robert V. Talkington, was adopted.

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

Colleagues, this is the first time in 17 years that I have requested the opportunity to speak as the Right of Personal Privilege. Bob Talkington was a giant of a man – as a Kansas University football player when KU regularly defeated Nebraska; in the Kansas House of Representatives and Senate; as a member of the Kansas Turnpike Authority; as Chairman of the Board of Regents; and in many other ways.

He served his faith, family, community, and state as a leader who did not believe in partisan or parochial decision-making. He contributed greatly to Iola and Allen County, as well as to the State of Kansas in developing progressive policies that had broad support across the political and geographic spectrum.

Mr. Talkington served in the Legislature with U.S. Senator Bob Dole, U.S. District Judge Richard Rogers, Lt. Governor Shelby Smith, Speaker Mike O'Neal, Chairman Carl Holmes, and such veteran legislators as Bill Reardon, Bill Wisdom, and JoAnne Pottorff.

He served as mentor, advisor, and friend to Republicans and Democrats – most recently Attorney General Derek Schmidt, Senator Jeff King, Governor Sam Brownback, and Representatives Bill Otto and Tom Sloan.

Please join me in recognizing Robert Talkington's family members – family who supported his activities on behalf of the people of Kansas, even when it took him away from home.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2117, AN ACT concerning sales and use taxation; relating to imposition of tax; exemptions; amending K.S.A. 2010 Supp. 79-3603 and 79-3703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, S. Gatewood, Henderson, Lane, McCray-Miller, Ruiz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

The bill passed, as amended.

HCR 5017, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to classification and taxation of watercraft, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Kuether.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

The resolution was adopted.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2020** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2027**, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a..

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2028**, AN ACT concerning trusts; relating to insurable interests of trustees.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B.

Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2044** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to S. Sub. HB 2049 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2076** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Grant as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB** 2172 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2192** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **HB** 2282 and asked for a conference.

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

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **SB 186**, **SB 188**, **SB 179** be passed.

SB 122, SB 150 be passed over and retain a place on the calendar.

Committee report to **SB 124** be adopted; and the bill be passed as a amended.

On motion by Rep. Schwartz to amend SB 152, Rep. Wetta requested a ruling on the amendment being germane to the bill. Rep. Schwartz subsequently withrew her amendment; and the bill be passed.

Committee report recommending a substitute bill to H. Sub. for SB 214 be adopted; and the substitute bill be passed.

On motion of Rep. Schwartz, **SB 123** be amended on page 1, in line 5, before "Section" by inserting "New";

following line 18, by inserting:

- "Sec. 2. K.S.A. 2010 Supp. 32-833 is hereby amended to read as follows: 32-833. (a) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall not purchase any land unless:
- (A) The secretary of wildlife and parks has certified that the land proposed to be purchased is in compliance with the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, concerning control and management of noxious weeds after consultation with the county weed supervisor and has developed a written plan for controlling and managing noxious weeds on the land to be purchased:
- (B) the secretary of wildlife and parks shall agree to make payment of moneys in lieu of taxes comparable to the ad valorem tax payments of surrounding lands for any land purchased which is exempt from the payment of ad valorem taxes under the laws of the state of Kansas; and
- (C) the secretary of wildlife and parks has developed a management plan for the property proposed to be purchased.
- (2) In addition to the requirements prescribed by this section and otherwise by law, any proposed purchase of a tract or tracts of land which are greater than 640_160 acres in the aggregate shall be subject to approval by act of the legislature, either as a provision in an appropriation act pertaining to the specific property to be purchased or by any other act of the legislature that approves the acquisition of the specific property proposed to be purchased, or by 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.
- (3) The provisions of this subsection shall not apply to any purchase of land owned by a private individual by the secretary if such purchase price is an amount which is less than such land's appraised valuation.
- (b) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall adopt guidelines and procedures prescribing public notice requirements that the secretary shall comply with before the selling of any land which shall include, but not be limited to, the following:
- (A) A written notice shall be posted in a conspicuous location on such land stating the time and date of the sale, or the date after which the land will be offered for sale, and a name and telephone number of a person who may be contacted concerning the sale of such land:
- (B) the secretary shall cause to be published in a newspaper of general circulation in the county the land is located once a week for three consecutive weeks, the secretary's intent to sell the land which shall include a legal description of the land to be sold, the time and date of the sale or the date after which the land will be offered for sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land; and
- (C) the secretary shall publish in the Kansas register public notice of the secretary's intent to sell the land which shall include a legal description of the land to be sold, the

time and date of the sale or the date after which the land will be offered for sale, the place of the sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land.

- (2) The secretary shall have the land appraised by three disinterested persons. In no case shall such land be sold for less than the average of its appraised value as determined by such disinterested persons.
- (3) The secretary shall list such land with a real estate agent who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act, and who shall publicly advertise that such land is for sale.
- (4) Prior to closing the transaction on a contract for the sale of such land, the secretary shall cause a survey to be conducted by a licensed land surveyor. Such survey shall establish the precise legal description of such land and shall be a condition precedent to the final closing on such sale.
 - (c) Any disposition of land by the secretary shall be in the best interest of the state. Sec. 3. K.S.A. 2010 Supp. 32-833 is hereby repealed.";

And by renumbering sections accordingly;

In the title, in line 1, by striking "relating to"; in line 2, by striking all before the period and inserting "amending K.S.A. 2010 Supp. 32-833 and repealing the existing section"; and **SB 123** be passed as a amended.

Committee report recommending a substitute bill to **H. Sub. for SB 101** be adopted; and the substitute bill be passed.

Committee report to SB 170 be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on Corrections and Juvenile Justice recommends **SB** 6 be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 6." as follows:

"HOUSE Substitute for SENATE BILL NO. 6

By Committee on Corrections and Juvenile Justice

"AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-1001, 8-1014, 8-1015, 8-1567, 12-4106 and 75-5291 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas."; and the substitute bill be passed.

(H. Sub. for SB 6 was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2386** be amended on page 1, in line 25, after "program", by inserting "that meets American veterinary medical association council on education accreditation standards and"; in line 29, before "No", by inserting ". Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member of the public. No more than one student per supervising veterinarian shall be performing a spay or neuter at any one time.";

On page 2, in line 13, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **Substitute for SB 50** be amended on page 1, by striking all in lines 30 through 32;

And by redesignating the remaining subsections accordingly;

On page 3, in line 28, after "size." by inserting "At least two of the members representing PSAPs shall be administrators of a PSAP.";

On page 4, in line 17, after "council" by inserting ", who shall be an administrator of a PSAP"; also in line 17, by striking "The governor shall determine the chair's"; by striking all in line 18; in line 28, after "(d)" by inserting "Upon the advice and consent of the legislative coordinating council,"; in line 32, by striking ". The Kansas association"; in line 33, by striking "of counties"; and inserting "who"; in line 35, by striking "Upon approval by the council, the KAC shall be reimbursed"; in line 36, by striking "for any costs incurred in assisting the council.";

On page 5, in line 17, by striking "below \$.50 or"; in line 30, by striking "2%" and inserting "1.5%";

On page 6, in line 2, after "1, 2012," by inserting "and every March 1 thereafter,"; in line 4, after "fee" by inserting "during the preceding calendar year"; in line 23, by striking "of" where it appears for the second time and inserting "made from 911 fees received by";

On page 8, in line 26, after "6." by inserting "Upon the advice and consent of the legislative coordinating council,"; in line 28, by striking "one year" and inserting "five years"; also in line 28, after "The" by inserting "911 coordinating"; in line 29, after "council" by inserting "and the legislative coordinating council"; in line 30, after "services." by inserting "The LCPA shall be subject to the requirements of the Kansas open meetings act, the Kansas open records act and shall treat all moneys received as public funds pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto. Notwithstanding any other provision of law to the contrary, the LCPA shall not be considered a state agency.";

On page 9, in line 27, by striking "\$.50" and inserting "\$.55";

On page 10, following line 26, by inserting: "(f) The provider may retain an administrative fee of not more than 1% of moneys collected from such fee.";

And redesignating the remaining subsections accordingly;

Also on page 10, in line 31, by striking "1%" and inserting "1.1%";

On page 14, following line 36, by inserting: "(b) If the 911 coordinating council, based upon information obtained from the PSAP reports or an audit of the PSAPs, determines that any PSAP has used any 911 fees for any purpose other than those authorized in this act, such PSAP shall repay all such funds used for any unauthorized purposes plus 10% to the LCPA for deposit in the 911 state grant fund."; in line 37, by striking "(b)" and inserting "(c)"; and the bill be passed as amended.

Committee on Judiciary recommends SB 12, SB 24, SB 38 be passed.

Committee on **Judiciary** recommends **SB 9** be amended on page 19, following line 38, by inserting:

"Sec. 14. K.S.A. 2010 Supp. 60-304 is hereby amended to read as follows: 60-304. As used in this section, "serving" means making service by any of the methods described in K.S.A. 60-303, and amendments thereto, unless a specific method of making service is prescribed in this section. Except for service by publication under K.S.A. 60-307, and amendments thereto, service of process under this article must be made as follows:

(a) *Individual*. On an individual other than a minor or a disabled person, by serving the individual or by serving an agent authorized by appointment or by law to receive

service of process. If the agent is one designated by statute to receive service, such further notice as the statute requires must be given. Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to an authorized agent at the agent's usual or designated address. If the sheriff, party or party's attorney files a return of service stating that the return receipt delivery to the individual at the individual's dwelling or usual place of abode was refused or unclaimed and that a business address is known for the individual, the sheriff, party or party's attorney may complete service by return receipt delivery, addressed to the individual at the individual's business address.

- (b) Minor. On a minor, by serving:
- (1) The minor; and
- (2) either:
- (A) The minor's guardian or conservator, if the minor has one within this state;
- (B) the minor's father, mother or other person having the minor's care or control or with whom the minor resides; or
- (C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court.

Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

- (c) Disabled person. On a disabled person, as defined in K.S.A. 77-201, and amendments thereto, by:
 - (1) Serving:
- (A) The person's guardian, conservator or a competent adult member of the person's family with whom the person resides;
- (B) if the person resides in an institution, the director or chief executive officer of the institution; or
- (C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court; and
 - (2) unless the court otherwise orders, serving the disabled person.

Service by return receipt delivery must be addressed to the director or chief executive officer of an institution at the institution, to any other individual at the individual's dwelling or usual place of abode, and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

- (d) Governmental bodies. On:
- (1) A county, by serving one of the county commissioners, the county clerk or the county treasurer;
 - (2) a township, by serving the clerk or a trustee;
 - (3) a city, by serving the clerk or the mayor:
- (4) any other public corporation, body politic, district or authority, by serving the clerk or secretary or, if the clerk or secretary is not found, any officer, director or manager thereof; and
- (5) the state or any governmental agency of the state, when subject to suit, by serving the attorney general or an assistant attorney general.

Service by return receipt delivery must be addressed to the appropriate official at the official's governmental office. Income withholding orders for support and orders of garnishment of earnings of state officers and employees must be served on the state or

governmental agency of the state in the manner provided by K.S.A. 60-723, and amendments thereto.

- (e) Corporations, domestic or foreign limited liability companies, domestic or foreign limited partnerships, domestic or foreign limited liability partnerships and partnerships. On a domestic or foreign corporation, domestic or foreign limited liability company, domestic or foreign limited partnership, domestic or foreign limited liability partnership or a partnership or other unincorporated association that is subject to suit in a common name, by:
 - (1) Serving an officer, manager, partner or a resident, managing or general agent;
- (2) leaving a copy of the summons and petition or other document at any of its business offices with the person having charge thereof; or
- (3) serving any agent authorized by appointment or by law to receive service of process, <u>and</u> if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Service by return receipt delivery on an officer, partner or agent must be addressed to the person at the person's usual place of business.

- Resident agent for a corporation, limited liability company, limited partnership or limited liability partnership. A domestic corporation, domestic limited liability company or domestic limited partnership, and, if it is authorized to transact business or transacts business without authority in this state, a foreign corporation, foreign limited liability company or foreign limited partnership irrevocably authorizes the secretary of state as its agent to accept on its behalf service of process, or any notice or demand required or permitted by law to be served on it, when: (1) It fails to appoint or maintain in this state a resident agent on whom service may be had; or (2) its resident agent cannot with reasonable diligence be found at the registered office in this state. Service on the secretary of state of any process, notice or demand must be made by delivering to the secretary of state, by personal service or by return receipt delivery, the original and two copies of the process and two copies of the petition, notice or demand. When any process, notice or demand is served on the secretary of state, the secretary must promptly forward a copy of it by return receipt delivery, addressed to the corporation. limited liability company or limited partnership at its principal office as it appears in the records of the secretary of state, or at the registered or principal office of the corporation, limited liability company or limited partnership in the state of its incorporation or formation. The secretary of state must keep a record of all processes. notices and demands served on the secretary under this subsection, and must record the time of the service and the action taken by the secretary. A fee of \$40 must be paid to the secretary of state by the party requesting the service of process, to cover the cost of serving process, except the secretary of state may waive the fee for state agencies. The fee must not be included in or paid from any deposit as security for costs or the docket fee required by K.S.A. 60-2001 or 61-4001, and amendments thereto.
- (g) Insurance companies or associations. Service of summons or other process on any insurance company or association, organized under the laws of this state, may also be made by serving the commissioner of insurance in the same manner as provided for service on foreign insurance companies or associations.
- (h) Service on an employee. If a party or a party's agent or attorney files an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, that to the best of the affiant's or declarant's knowledge and belief the person to be served is employed in

this state, and is a nonresident or that the place of residence of the person is unknown, the affiant or declarant may request that the sheriff or other duly authorized person direct an officer, partner, managing or general agent or the individual having charge of the place at which the person to be served is employed, to make the person available to permit the sheriff or other duly authorized person to serve the summons or other process.";

And by renumbering sections accordingly;

On page 27, in line 29, after "60-270," by inserting "60-304,";

On page 1, in the title, in line 4, after "60-270," by inserting "60-304,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 83** be amended on page 1, in line 32, after the period, by inserting: "Any written agreement entered into pursuant to the provisions of this subsection shall be signed by the chief justice, or the chief justice's designee, with the approval of a majority of justices of the Kansas supreme court."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB** 93 be amended on page 1, in line 11, before the period by inserting ", except governmental unit shall not include the board of education of any school district employing school security officers"; in line 15, after "thereto" by inserting ", except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222, and amendments thereto"; in line 27, by striking "socio-economic status,"; in line 30, by striking "socio-economic status.":

On page 4, in line 15, by striking all after "report"; in line 16, by striking all before "and" and inserting "for the period of July 1 to June 30"; in line 25, after "(A)" by inserting the following:

"The number of racial or other biased-based policing complaints received;

(B)":

And relettering paragraphs accordingly:

On page 5, by striking all in lines 2 through 4; by striking all in line 14; in line 15, by striking all before "shall" and inserting "the Kansas human rights commission. The commission"; in line 17, by striking "attorney general" and inserting "commission's designee"; in line 19, after the period, by inserting "The commission shall make a final recommendation regarding the complaint and forward such recommendation to the Kansas commission of peace officers' standards and training."; in line 24, by striking "persons" and inserting "officer"; in line 28, after "or" by inserting "the sheriff of the";

On page 6, in line 11, by striking "by the governing body";

On page 7, following line 15, by inserting the following:

"(d) Nothing in this section shall require a governmental entity to collect data concerning pedestrian stops.":

Also on page 7, in line 16, by striking "or county may"; in line 17, by striking "or resolution" and inserting "or the sheriff of any county may"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6018—

By Representatives Mah, Alford, Arpke, Ballard, Billinger, Boman, Bowers, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Henderson, Henry, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Rhoades, Ruiz, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Smith, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, Wolfe Moore and Worley

A RESOLUTION designating March 30 as "Welcome Home Vietnam Veterans Day." WHEREAS, Members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

WHEREAS, In 1965, United States Armed Forces ground combat units arrived in Vietnam; and

WHEREAS, By the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached; and

WHEREAS, On January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, On March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, More than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; and

WHEREAS, The Vietnam War was an extremely divisive issue among the people of the United States and was also a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

WHEREAS, Members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations in the United States; and

WHEREAS, The establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That March 30 shall hereby be designated as "Welcome Home Vietnam Veterans Day" in the state of Kansas in order to honor and recognize the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; and

Be it further resolved: That the people of Kansas are encouraged to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war: and

Be it further resolved: That local communities are encouraged to promote opportunities for such veterans to assist younger veterans returning from the wars in

Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Mah.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Landwehr in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted:

Recommended that HCR 5022 be adopted.

Committee report to **SB 136** be adopted; and the bill be passed as a amended.

Committee report to **SB 122** be adopted; also, on motion of Rep. Sloan to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB** 76 be adopted; also, on motion of Rep. Mosier to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 14** be adopted; also on motion of Rep. Kiegerl to amend, the motion did not prevail.

Also, on motion of Rep. Denning to amend SB 14, Rep. Ward requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Denning to amend and the bill be amended on page 3, preceding line 39, by inserting: "New Section 3. (a) A resident of this state has the right to purchase health insurance or refuse to purchase health insurance. The government shall not interfere with a resident's right to purchase health insurance or with a resident's right to refuse to purchase health insurance.

- (b) A resident of this state has the right to enter into a private contract with health care providers for lawful health care services. The government shall not interfere with a resident's right to purchase lawful health care services.
- (c) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.
- (d) No state agency, board, commission or any other governmental entity shall require an agreement to participate in medicare, medicaid or any other insurance plan, health care system or health information technology or benefit exchange as a condition for original application or renewal of license, registration or certification for a health care provider.
 - (e) No state agency, board, commission or any other governmental entity shall

prohibit participation in a health information organization for any health information technology or benefit exchange purposes by a health care provider based on whether such health care provider participates in medicare, medicaid or any other insurance plans or health care systems.

- (f) The government shall not enact a law that would restrict these rights or that would impose a form of punishment for exercising these rights. No provision of this section shall render a resident of this state liable for any punishment, penalty, assessment, fee or fine as a result of such resident's failure to procure or obtain health insurance coverage or participate in any health care system or plan.
 - (g) As used in this section:
- (1) "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.
- (2) "Health care provider" shall have the meaning provided in K.S.A. 40-3401, and amendments thereto.
- (3) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.
- (4) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services
- (5) "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.
 - (h) This section shall be known and may be cited as the health care freedom act."; And renumbering sections accordingly:

On page 1, in the title, following "concerning" by inserting "health care; relating to"; in line 3, before "amending" by inserting "enacting the health care freedom act;" and **SB** 14 be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 213** be adopted; also, on motion of Rep. Kleeb be amended on page 1, after line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-1558 is hereby amended to read as follows: 8-1558. (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

- (1) In any urban district, 30 miles per hour;
- (2) on any separated multilane highway, as designated and posted by the secretary of transportation, $\frac{70.75}{2}$ miles per hour;
 - (3) on any county or township highway, 55 miles per hour; and
 - (4) on all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits

provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

- (c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.
- Sec. 2. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. (a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- (b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70.75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- Sec. 3. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 70.75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.";

And by renumbering the remaining sections accordingly;

On page 2, in line 34, after "Supp.", by inserting "8-1558, 8-1560c, 8-1560d, ";

On page 1, in the title, in line 1, by striking "concerning motor vehicles; relating to safety belts;" and inserting "regulating traffic; concerning safety belts,"; in line 2, after the semicolon, by inserting "maximum speed limits;"; in line 4, after "Supp." by inserting "8-1558, 8-1560c, 8-1560d, "; and **H. Sub. for SB 213** be passed as amended.

Committee report recommending a substitute bill to **H. Sub for SB 63** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 37** be adopted; also, on motion of Rep. Colloton be amended, on page 29, by striking all in lines 14 through 16;

And by relettering subsections accordingly;

Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 37** on page 9, by striking all in line 20; in line 21, by striking "(B)" and inserting "(A)"; also in line 22, before "second" by inserting "first or"; in line 24 by striking "(C)" and inserting "(B)":

On roll call, the vote was: Yeas 59; Nays 57; Present but not voting: 0; Absent or not voting: 9.

Yeas: Arpke, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Crum, DeGraaf, Dillmore, Fawcett, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke,

Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Kelley, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Schroeder, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Ward, Weber, Williams.

Nays: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Collins, Colloton, Denning, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Gordon, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kerschen, Kiegerl, Lane, Mah, McCray-Miller, Meier, Moxley, O'Neal, Pauls, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schwartz, Seiwert, Slattery, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Davis, Fund, Huebert, Kuether, Loganbill, Mosier, Peterson, Schwab, Sloan.

The motion of Rep. Kinzer prevailed.

Also, on further motion of Rep. Kinzer to amend **H. Sub. for SB 37**, the motion did not prevail, and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2193** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2193," as follows:

"Substitute for HOUSE BILL NO. 2193

By Committee on Education

"An act concerning school districts; relating to school finance; authorizing tax levy, procedure and limitations; local activities budget."; And the substitute bill be passed. (Sub. HB 2193 was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 143** be amended on page 1, in line 8, after "1." by inserting "(a)"; after line 10, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011.";

On page 3, after line 9, by inserting: "This section shall take effect and be in force on and after July 1, 2011."; after line 37, by inserting: "(d) This section shall take effect and be in force on and after July 1, 2011."; in line 38, after "4", by inserting "(a)";

On page 4, after line 4, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 5, after "5." by inserting "(a)"; after line 20, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 21, after "6." by inserting "(a)"; after line 24, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 25, after "7." by inserting "(a)"; after line 38, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011.";

On page 5, after line 23, by inserting: "(d) This section shall take effect and be in force on and after July 1, 2011."; in line 24, after "9." by inserting "(a)"; after line 32, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 33, after "10." by inserting "(a)"; after line 34, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 35, after "11." by inserting "(a)";

On page 6, after line 7, by inserting: "(b) This section shall take effect and be in

force on and after July 1, 2011."; after line 26, by inserting: "(e) This section shall take effect and be in force on and after July 1, 2011."; by striking all in lines 27 through 39:

By striking all on pages 7 through 9;

On page 10, by striking all in lines 1 through 29; after line 29; by inserting:

- "Sec. 13. On July 1, 2011, K.S.A. 71-601, as amended by section 18 of this act, is hereby amended to read as follows: 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. Credit hour
- (b) The term "credit hour" does not include within its meaning instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board.
- (c) The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve <u>for funding</u> any subject or course offered at a higher level.
- (b) "Full-time equivalent enrollment" or "FTE enrollment" means the quotient-obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and-amendments thereto.
- (c) "State operating grant" means the community college operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, and if eligibility is determined, the quality performance grant provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.
- Sec. 14. On July 1, 2011, K.S.A. 71-620, as amended by section 24 of this act, is hereby amended to read as follows: 71-620. (a) In each fiscal year, commencing with the 2001 2012 fiscal year, each community college is eligible to receive an operating for a grant from the state general fund in an amount to be determined by the state board, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the community college. The method of distribution of such funds shall be established by the state board after dialogue with the community college presidents. The state board shall:
- (1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;
- (2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);
 - (3) determine the total number of FTE students of all the community colleges;
- (4) multiply the amount computed under (2) by the total number of FTE students determined under (3). Subject to the provisions of subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is the total amount of operating grants the

community colleges are entitled to receive for the fiscal year.

- (5) In the 2002 fiscal year and in each fiscal year thereafter, the amount-determined under (4) shall be allocated to each community college according to the ratio the amount of the operating grant received by the community college in the prior fiscal year bears to the total amount of operating grants received by all community colleges in the prior fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the prior fiscal year to the current fiscal year.
- (b) In each fiscal year, commencing with the 2003 fiscal year, each community college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the community college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for community colleges identified and approved by the state board, the community college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the community college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the community college shall receive for the fiscal year. No amount of grant under this section shall be based upon any credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto. Only the credit hours of students who are residents of the state of Kansas enrolled in courses for postsecondary credit shall be considered for funding.
- (c) For the purposes of this section, the FTE enrollment of the community college shall be based on: (1) Enrollment of students who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater of FTE enrollment of the community college in the current fiscal year or FTE enrollment in the preceding fiscal year. For purposes of this section, residency for all community college students shall be determined in accordance with K.S.A. 71-406 and 71-407, and amendments thereto.
- (d) As used in this section, the term "regional state educational institutions" means Emporia state university, Fort Hays state university and Pittsburg state university and the term "lower division undergraduate student" means a freshman or sophomore.
- Sec. 15. On July 1, 2011, K.S.A. 72-4480, as amended by section 39 of this act, is hereby amended to read as follows: 72-4480. (a) In each fiscal year, commencing with the 2012 fiscal year, each technical college, as defined in section 2, and amendments thereto, is eligible for a grant from the state general fund, in an amount to be determined by the state board of regents, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the technical college. The method of distribution of such funds shall be established by the state board after dialogue with the technical college presidents.
- (b) No amount of grant under this section shall be based upon any credit hour for which the technical college is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto. Only the credit hours of students who are residents of the state of Kansas enrolled in courses for postsecondary credit shall be considered for funding.
- (a) (c) The state board of regents shall identify and approve core indicators of quality performance for technical colleges and shall establish and implement a data

management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the colleges in meeting the role and mission thereof.

- (b) In each fiscal year, commencing with the 2003 fiscal year, each technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for technical colleges identified and approved by the state board, the college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of state aid the college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the college shall receive for the fiscal year.
- (e) (d) The One-half of the distribution of the appropriation for quality performance grants under this section to technical colleges entitled to eligible for such grants shall be made at a time to be determined by the state board. On August 1, and the remaining one half shall be made on January 1 of each fiscal year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each fiscal year to the director of accounts and reports the amount due on August 1 or January 1, as the case may be, to each technical college entitled to eligible for a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the technical college for such amount. Upon receipt of the warrant, the treasurer of the technical college shall credit the amount of the warrant to the general fund of the technical college.";

On page 11, after line 38, by inserting:

- "Sec. 17. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.
- (b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:
- (1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.
 - (2) To sue and be sued.
- (3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.
- (4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.
- (5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state

adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.

- (6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.
 - (7) To enter into contracts.
- (8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.
- (9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any leasepurchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).
- (10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.
- (11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.
- (12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.
- (13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are

necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

- (14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.
- (15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.
- (16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for academic or vocational education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.
- (17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.
- (c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct,

reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district; or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, "service area" means <u>a</u> designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.

- Sec. 18. K.S.A. 71-601 is hereby amended to read as follows: 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. Credit hour does not include within its meaning instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board. The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve any subject or course offered at a higher level
- (b) "Full-time equivalent enrollment" or "FTE enrollment" means the quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto.

- (c) "State operating grant" means the <u>community college</u> operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, and if <u>entitlement eligibility</u> is determined, the quality performance grant provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.
- Sec. 19. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) If the amount of any appropriation for state entitlements <u>aid</u> is insufficient to pay in full the amount each community college is entitled <u>otherwise eligible</u> to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is entitled <u>eligible</u> to receive.
- (b) If any community college is paid more than the amount it is entitled eligible to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.
- (c) If any community college is paid less than the amount it is entitled eligible to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.
- Sec. 20. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No amount of a state entitlement funding shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.
- (b) (1) No amount of a state entitlement funding shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.
- (2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.
- Sec. 21. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state entitlement operating grant of a community college shall be based upon any course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated: credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.
- Sec. 22. K.S.A. 71-613 is hereby amended to read as follows: 71-613. (a) The vocational education fund of a community college, established by K.S.A. 72-4424, and

amendments thereto, which statutory section shall expire on June 30, 2000, is hereby continued in existence in each community college, and shall be known as the career technical education fund. All moneys received by a community college for establishing, conducting, maintaining and administering any vocational education career technical program authorized under article 44 of chapter 72 of Kansas Statutes Annotated approved by the state board of regents shall be deposited in the vocational career technical education fund, unless required to be deposited in the general fund. The expenses of a community college attributable to vocational career technical education shall be paid from the vocational career technical education fund.

- (b) Community colleges shall maintain fund accounting procedures as may be necessary to assure proper accounting for federal funds for vocational career technical education special projects, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.
- Sec. 23. K.S.A. 71-614 is hereby amended to read as follows: 71-614. Any lawful transfer of money from the general fund of a community college to the vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for vocational career technical education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.
- Sec. 24. K.S.A. 71-620 is hereby amended to read as follows: 71-620. (a) In each fiscal year, commencing with the 2001 fiscal year, each community college is entitled eligible to receive an operating grant from the state general fund in an amount to be determined by the state board. The state board shall:
- (1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions:
- (2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);
 - (3) determine the total number of FTE students of all the community colleges:
- (4) multiply the amount computed under (2) by the total number of FTE students determined under (3). Subject to the provisions of subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is the total amount of operating grants the community colleges are entitled to receive for the fiscal year.
- (5) Each community college which is not an officially designated area vocational school shall receive an amount equivalent to the difference between credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course and 1 1/6 times the amount of credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course. The amount determined under this provision shall be distributed in equal installments in the 2001 through 2004 fiscal years as a part

of the community college's operating grant, but shall not be subject to the provisions of K.S.A. 71-204, and amendments thereto.

- (6) In each fiscal year, the state board, for the purpose of allocating the amount determined under (4) to the community colleges, shall deduct the total of the amounts determined under (5) from the amount determined under (4).
- (7) In the 2001 fiscal year, the remaining balance determined under (6) shall be allocated to each community college according to the ratio the total amount of state aid received by the community college in the 2000 fiscal year bears to the total amount of state aid received by all community colleges in the 2000 fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the 2000 fiscal year to the 2001 fiscal year.
- (8) (5) In the 2002 fiscal year and in each fiscal year thereafter, the remaining balance amount determined under (6) (4) shall be allocated to each community college according to the ratio the amount of the operating grant received by the community college in the prior fiscal year bears to the total amount of operating grants received by all community colleges in the prior fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the prior fiscal year to the current fiscal year.
- (b) In each fiscal year, commencing with the 2003 fiscal year, each community college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the community college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for community colleges identified and approved by the state board, the community college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the community college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the community college shall receive for the fiscal year.
- (c) For the purposes of this section, the FTE enrollment of the community college shall be based on: (1) Enrollment of students who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater of FTE enrollment of the community college in the current fiscal year or FTE enrollment in the preceding fiscal year.
- (d) As used in this section, the term "regional state educational institutions" means Emporia state university, Fort Hays state university and Pittsburg state university and the term "lower division undergraduate student" means a freshman or sophomore.
- Sec. 25. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:
 - (a) "Board of trustees" means the governing body of a community college.
- (b) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (c) "Chief administrative officer" means the president or one so appointed by the board of trustees.
- (a) (d) "Community college" means a public community college established under the provisions of this act. The official name of a community college shall be "the _____ community college" and the blank shall be filled with the name of the city or county.

- (b) "State board" means the state board of regents.
- (e) (e) "Community college district" means the taxing district of a community college.
 - (d) "Board of trustees" means the governing body of a community college.
- (e) "State plan" means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.
- (f) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (g) "Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.
 - (f) "State board" means the state board of regents.
- (h) (g) "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.
- (i) "Chief administrative officer" means the president or one so appointed by the hoard of trustees-
- Sec. 26. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be entitled to eligible for state aid during the continuance of any such period of withdrawal. Any action of the state board of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.
- Sec. 27. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:
- (a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board. After considering the petition, the state board may approve such attachment; if the advisory council has so recommended. If the advisory council has not so recommended. The state board shall so inform may seek the recommendation of the board of trustees of the community college involved and may request its recommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such

attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the _____ community college district be approved?", and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.

- (b) Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as set forth in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board shall so inform the board of trustees and in such case such attachment shall not be made. If the advisory council state board approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.
- (c) No territory shall be attached to any community college district within 120 days prior to the general election of members of the board of trustees.
- (d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.
- Sec. 28. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school technical college or the institute of technology at Washburn university, may make and enter into agreements providing for the transfer from the area vocational school or area vocational technical school-technical college or the institute of technology to the community college of any approved career technical education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school-technical college or the institute of technology.
- (b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:
 - (1) The state board of regents shall be notified of the agreement at the time the

agreement is executed.

- (2) The agreement shall be effective only after approval by the state board of regents.
- (3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.
 - (4) The agreement shall be subject to change or termination by the legislature.
- (5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).
- (B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.
- Sec. 29. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:
- (a) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.
- (a) (b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.
- (b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school."
- (e) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.

The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.

- (c) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.
- (d) "School district" means any school district organized under the laws of this state.
- (e) (d) "Community college" means any community college organized and operating under the laws of this state.
- (e) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.
- (g) "School district" means any school district organized under the laws of this state.
 - (h) "School year" means the 12-month period ending on June 30.
 - (i) "State board" means the state board of regents.
- (g) (j) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.
- (k) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.
- (h) (l) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.
 - (i) "State board" means the state board of regents.
 - (i) "School year" means the twelve-month period ending on June 30.
- (k) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.
- (1) (m) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of

technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

- (m) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.
- (n) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may carn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework-leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.
- Sec. 30. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education provided for pursuant to the Carl D. Perkins career and technical education act of 2006 in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in the state treasury.
- Sec. 31. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:
- (a) "Area vocational school," "area vocational-technical school," "Board," "state board," and "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto:
- (c) "School" means any area vocational school and any area vocational-technical school.
- (d) "Vocational (b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to a school an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of school buildings, architectural expenses incidental thereto, the acquisition of buildings for school purposes and school building sites and the acquisition of equipment.
- (c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn

university.

- Sec. 32. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every area vocational-technical school eligible institution a fund which shall be called the "vocational career technical education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an area vocational-technical school eligible institution from distributions made under this act shall be credited to the vocational career technical education capital outlay fund.
- (b) Any moneys received, prior to or after the effective date of this act, by an area vocational-technical school eligible institution from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the vocational career technical education capital outlay fund and may be expended by the area vocational-technical school institution for any purpose for which vocational career technical education capital outlay aid may lawfully be expended.
- Sec. 33. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of vocational career technical education capital outlay aid for each schooleligible institution shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as vocational career technical education capital outlay aid to each sehool eligible institution five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school entitled to institution eligible for payment of vocational career technical education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state board. Upon receipt of such warrant, the treasurer of each area vocational school shall deposit the amount thereof to the credit of the area vocational school fund. The treasurer of each area vocational-technical school eligible insitution shall deposit the amount of such warrant to the credit of the vocational career technical education capital outlay fund established by this act.

In the event any school eligible institution is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the school institution of the amount of such overpayment, and such school institution shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such school institution fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such school institution. In the event any school institution is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the school academic year in which the underpayment was made or within 60 days after the end of such school academic year.

- Sec. 34. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:
 - (a) "Career technical education program" means a program of vocational or

technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.

- (b) "Career technical education institution" means any area vocational school, area vocational-technical school, technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.
- (c) "Area vocational school," "area vocational-technical school," "Community college," "institute of technology," "municipal university," "state educational institution," "technical college," and "state board" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
- (e) "Program" means the Kansas training information program established by this act.
- Sec. 35. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every area vocational school or area vocational-technical school technical college and the institute of technology shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.
- (b) The following conditions shall apply to the agreements required under subsection (a):
- (1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and
- (2) the agreement shall be effective only after approval by the state board of regents.
- (c) The state board of regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the area vocational schools and area vocational-technical schools technical colleges and the institute of technology are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.
- Sec. 36. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state board of regents shall adopt a policy requiring articulation agreements among area-vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at area vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions in order to facilitate articulation of students in technical programs to and among area vocational schools, area vocational-technical schools, community colleges, the institute of technology and state educational institutions.
 - Sec. 37. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-

4466. As used in this act:

- (a) "Area vocational school", "area vocational-technical school", and "Community college," "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Career technical education institution" means any area vocational school, area vocational-technical school or community college, technical college or the institute of technology.
 - (c) "Board" means the state board of regents.
 - (d) "Program" means Kansas technology innovation and internship program.
- Sec. 38. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) On or before July 1, 2005, All technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:
 - (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.
- (b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges; technical schools and area vocational technical schools. Any amendments to the plan shall be submitted to the state board of regents for approval.
- (2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.
- (c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:
 - (1) Determine the career technical and general education courses of instruction that

will comprise the associate of applied science degree programs of the college;

- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
- (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions:
- (5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;
- (6) select a chairperson and such other officers as it deems desirable, from its membership;
 - (7) sue and be sued:
- (8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;
- (9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;
 - (10) enter into contracts;
 - (11) accept any gifts, grants or donations;
 - (12) acquire and dispose of real or personal property;
- (13) enter into lease agreements as lessor of any property owned or controlled by the college;
- (14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;
- (15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees:
- (16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;
- (17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college:
- (18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; and
- (19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; and
- (20) fix different rates per hour of tuition, fees and charges for the different postseconday programs administered by such board.

- Sec. 39. K.S.A. 72-4480 is hereby amended to read as follows: 72-4480. (a) The state board of regents shall identify and approve core indicators of quality performance for vocational education schools and technical colleges and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the schools and colleges in meeting the role and mission thereof.
- (b) In each fiscal year, commencing with the 2003 fiscal year, each vocational education school and technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the school or college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for vocational education schools and technical colleges identified and approved by the state board, the school or college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of postsecondary aid state aid the school or college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the school or college shall receive for the fiscal year.
- (c) The distribution of the appropriation for quality performance grants to vocational education schools and technical colleges entitled to such grants shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each vocational education school and technical college entitled to a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the school or college for such amount. Upon receipt of the warrant, the treasurer of the school or college shall credit the amount of the warrant to the general fund.
- Sec. 40. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:
- (1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community junior college, the board of regents of any municipal university, the board of control of any area vocational-technical school the governing board of any technical college and the board of education of any school district.
- (2) "Student" means a person who has attained eighteen (18) 18 years of age, or is attending an institution of postsecondary education.
- (3) "Pupil" means a person who has not attained eighteen (18) 18 years of age and is attending an educational institution below the postsecondary level.
- (b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and his or her such pupil's family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. To the extent that any other

provision of law conflicts with this section, this section shall control.

Sec. 41. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father parent or his such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission Kansas commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' eommission Kansas commission on veterans affairs shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community junior college, the board of regents of Washburn university of Topeka, the board of every area vocational school. the board of control of every area vocational-technical school governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed twelve (12) 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission on veterans affairs shall administer this act and the qualification of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

"Dependent" as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in said U. S. armed forces in the geographical area of the Vietnam conflict, has been declared to

be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

- Sec. 43. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:
- (a) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.
- (b) "Community college" means any community college established under the laws of this state.
- (c) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (e) "Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (f) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
 - (g) "Public university" means any state educational institution.
- (h) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
- (a) (i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.
- (b) (j) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.
- (c) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (d) "Community college" means any community college established under the laws of this state.
- (e) (k) "Technical college" means any technical college established under the laws of this state.
- (f) "Career technical education school" means any area vocational school or area vocational-technical school established under the laws of this state.
 - (g) "Public university" means any state educational institution.
- (h) "Postsecondary educational institution" means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (i) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.
- (j) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments

thereto.

- (k) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
- Sec. 44. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:
- (a) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.
- (b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.
- (c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
- Sec. 45. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.
- (b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.
- (c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, a technical college, community college, vocational school coordinated under the state board of regents the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.
- (d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.
- (e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

- (f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending area-vocational technical schools, technical colleges, community colleges, area-vocational schools the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of labor standards.
- (g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.
- Sec. 46. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:
- (1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (2) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.
- (1) (4) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.
- (5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.
- (6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established

by the United States secretary of defense, after January 1, 1960.

- (2) (8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.
- (3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.
- (4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the firedepartment thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.
- (5) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (6) "Dependent" means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
 - (7) (11) "State board" means the state board of regents.
- (8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (9) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.
- (10) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (11) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
- (b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.
- (c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or

spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

- (d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.
- Sec. 47. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:
- (a) "Kansas educational institution" means and includes any area vocational-school, area vocational-technical school, community college, the municipal university, state educational institution, the institute of technology at Washburn university or technical college.
- (b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and
 - (2) who enrolls in a Kansas educational institution on or after July 1, 2006.
- (c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree

upon satisfactory completion of course work requirements.

- (e) "Secretary" means the secretary of social and rehabilitation services.
- Sec. 48. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.
- (b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.
- (2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.
- (c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.
- (d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.
- (e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

- (f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.
- (2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.
- (3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.
- (g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.
- (h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.
- Sec. 49. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:
 - (a) "Board" means the state board of regents.
- (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.
- (c) "Library" means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.
 - (d) "Network" means the KAN-ED network created pursuant to this act.
- (e) "School" means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, area vocational school, area vocational-technical school the institute of technology at Washburn

university or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.

- Sec. 50. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:
- (a) "Board" means the state board of regents or the board of regents of a municipal university or the board of control of the Northwest Kansas area vocational-technical school governing board of the northwest Kansas technical college or the board of control of the North Central Kansas area vocational-technical school governing board of the north central Kansas technical college or the board of trustees of any community college.
- (b) "Institution" means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the Northwest Kansas area vocational-technical school, and the North Central Kansas area vocational-technical school, northwest Kansas technical college and the north central Kansas technical college.
- "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, oncampus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition. construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.
- (d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by

the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

- (e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.
- (f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.
- Sec. 51. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768. (a) On and after July 1, 2006:
- (1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.
- (2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.
- (3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.
 - (b) As used in this section:
- (1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.
- (2) "Postsecondary educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and private institutions of postsecondary education.";

And by renumbering the remaining sections:

Also on page 11, by striking all in line 39;

On page 12, by striking all in lines 1 and 2 and by inserting:

"Sec. 52. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a, 71-614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214, 72-6803, 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768 and 76-781 are hereby repealed. Sec. 53. On July 1, 2011, K.S.A. 71-601, as amended by section 18 of this act, 71-613, 71-620, as amended by section 24 of this act, 72-4480, as amended by section 39 of this act and 72-6503 are hereby repealed.";

Also on page 12, in line 4, by striking "statute book" and inserting "Kansas register"; On page 1, in the title by striking all in lines 3 through 5, and inserting:

"K.S.A. 71-601, 71-601, as amended by section 18 of this act, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-620, as amended by section 24 of this act, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-4480, as amended by section 39 of this act, 72-6214, 72-6503, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430,

72-4431, 72-4432, 72-4433 and 76-781."; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2395, AN ACT concerning school districts; relating to the use of moneys by school districts; amending K.S.A. 72-3607, 72-6423 and 72-8237 and K.S.A. 2010 Supp. 72-965, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-8250, 72-9509 and 72-9609 and repealing the existing sections, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 34, SB 35, SB 36, SB 45** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 21, SB 41** from Committee on Appropriations and rereferral to Committee on Education Budget.

REPORT ON ENGROSSED BILLS

HB 2117 reported correctly engrossed March 21, 2011.

HB 2027, **HB 2029**, **HB 2030**, **HB 2258** reported correctly re-engrossed March 21, 2011

REPORT ON ENROLLED RESOLUTIONS

HR 6013, HR 6016 reported correctly enrolled and properly signed on March 21, 2011

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Tuesday, March 22, 2011.

Journal of the House

FORTY-SEVENTH DAY

Hall of the House of Representatives, Topeka, KS, Tuesday, March 22, 2011, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Present later: Rep. Kiegerl.

Prayer by Chaplain Brubaker:

Dear Lord,

The days are getting longer—
the workload is getting heavier—
the discussions and debates more intense.

Pressure is mounting the dollars we are counting and attitudes are getting on the defense.

> The time is getting short— Still so much more to sort—

some may think it all nonsense.

The people they represent—

give them much argument—please don't let them take offense.

At the end of this day when each goes his or her own way may all their frustration be dispensed.

Right now, Lord, please be with our Doorman, Jim Weaver, who is in the hospital. Touch his body and encourage his heart and mind.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

Kansas Trivia Question – Wichita State University's basketball team reached the Final Four in the NCAA Tournament in what year?

Answer: 1965

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2396, AN ACT abolishing the commission on judicial performance; amending K.S.A. 2010 Supp. 20-367, 25-4169a, 38-2211, 38-2309, 59-2122, 59-2979, 60-3104 and 60-31a04 and repealing the existing sections; also repealing K.S.A. 20-3203, 20-3208 and 20-3208 and K.S.A. 2010 Supp. 20-3201, 20-3202, 20-3204, 20-3205 and 20-3206, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: HB 2395.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2020** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2044** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2076** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2172** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2192** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2282** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5022, A CONCURRENT RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller,

McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Brien, Schwab.

The resolution was adopted.

SB 14, AN ACT concerning the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Bollier, Dillmore, S. Gatewood, Henderson, Hill, Hineman, Kuether, Lane, Loganbill, Roth, Ruiz, Slattery, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The bill passed, as amended.

 $\boldsymbol{H.}$ $\boldsymbol{Sub.}$ for \boldsymbol{SB} 37, AN ACT concerning the Kansas offender registration act; amending K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907 and 22-4913 , 22-4913 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 22-4912, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Hineman, Schwartz. Present but not voting: None. Absent or not voting: Fund, Kiegerl. The substitute bill passed, as amended.

H. Sub. for SB 63, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The substitute bill passed.

SB 76, AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman,

Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brookens, Carlson, Colloton, Denning, Fawcett, Finney, Hedke, Mosier, Moxley, O'Neal, Rhoades, Rubin, Scapa.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The bill passed, as amended.

H. Sub. for SB 101, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore

Nays: Carlin, Davis, D. Gatewood, S. Gatewood, Kuether, Loganbill, Mah, McCray-Miller, Moxley, Trimmer, Wetta, Worley.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

SB 122, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl,

Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Smith.

Present but not voting: None. Absent or not voting: Fund. The bill passed, as amended.

SB 123, AN ACT concerning the department of wildlife and parks; relating to public use of cabins on state land, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 22; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Loganbill, Mah, Mast, McCray-Miller, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Feuerborn, Flaharty, Gordon, Grosserode, Henderson, Hildabrand, Huebert, Kelley, Kinzer, Landwehr, Lane, McLeland, Meier, Peterson, Phelps, Ruiz, Slattery, Smith, Tyson, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 124, AN ACT concerning water, relating to water supply storage access and creating the lower smoky hill water supply access program, was considered on final action

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs,

Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Grosserode, Landwehr. Present but not voting: None. Absent or not voting: Fund. The bill passed, as amended.

SB 136, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brunk, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Bruchman, Burgess, DeGraaf, Gordon, Huebert, Patton, Pauls, Peterson, Ruiz, Scapa, Suellentrop, Winn.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 152, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2010 Supp. 32-1002 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,

O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 170, AN ACT enacting the portable electronics insurance act, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 36; Present but not voting: 1; Absent or not voting: 1.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Bruchman, Burroughs, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kerschen, Kleeb, Knox, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Otto, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Boman, Brookens, Brown, Brunk, Burgess, Calloway, Collins, DeGraaf, Donohoe, Garber, Gordon, Gregory, Grosserode, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kelly, Kiegerl, Kinzer, Kuether, Mast, McLeland, Meigs, O'Hara, Osterman, Patton, Peck, Rubin, Scapa, Schwab, Smith, Swanson, Tyson.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed, as amended.

SB 179, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 1; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Hara, O'Neal, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer,

Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Collins, Garber, Goodman, Grosserode, Hildabrand, Kelley, Kinzer, O'Brien, Osterman, Peck, Tyson.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed.

SB 186, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2010 Supp. 2-2450 and repealing the existing section; also repealing K.S.A. 2-2451, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, S. Gatewood, Grosserode, Kelley, Kinzer, Landwehr, McCray-Miller, Ward.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 188, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid,

Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Kuether, Lane, Ward.

Present but not voting: None. Absent or not voting: Fund.

The bill passed.

H. Sub. for SB 213, AN ACT concerning motor vehicles; relating to safety belts; uniform act regulating traffic on highways;; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 9; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Colloton, Davis, Dillmore, Flaharty, S. Gatewood, Grosserode, Smith, Victors.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

H. Sub. for SB 214, AN ACT concerning water; related to water obstructions; related to groundwater management districts; amending K.S.A. 2010 Supp. 82a-301, 82a-301a and 82a-1021 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell,

Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Powell in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Powell, Committee of the Whole report, as follows, was adopted: Recommended that **SB 185**, **SB 103** be passed.

SB 125 be passed over and retain a place on the calendar.

Committee report to **HB 2336** be adopted; also, on motion of Rep. Brown be amended on page 1, in the title, in line 1, by striking "and creating"; in line 2, by striking all before the period:

Also, on motion of Rep. Finney to amend **HB 2336**, Rep. Mesa requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Finney to amend. On motion of Rep. Kleeb to rerefer the bill to Committee on Commerce and Economic Development, the motion did not prevail. The question then reverted back to the motion of Rep. Finney to amend, which did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 127** be adopted; also, on motion of Rep. Schwab be amended on page 5, in line 28, by striking "electronically";

Also, roll call was demanded on motion of Rep. Rubin to amend **H. Sub. for Sub. SB 127** on page 3, in line 2, by striking "\$500" and inserting "\$750"; in line 6, by striking "\$1,000" and inserting "\$1,500":

On page 4, in line 6, by striking "\$500" and inserting "\$750"; in line 9, by striking "\$1,000" and inserting "\$1,500";

On page 5, following line 19, by inserting the following:

- "Sec. 5. K.S.A. 2010 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; and
- (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 events; 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) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.
- (n) "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.
- (o) "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. 6. 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, and 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, and 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. 7. K.S.A. 2010 Supp. 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 related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;
- (5) any donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;
- (6) 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
- (7) 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;
 - (2) contributed to a party committee;
- (3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received:
 - (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. 8. (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. 9. (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."; And by renumbering the remaining sections accordingly;

On page 9, in line 13, by striking "and 25-4153" and inserting ", 25-4153 and 25-4157"; in line 14, by striking "25-4148" and inserting "25-4143, 25-4148, 25-4157a";

On page 1, in the title, in line 1, by striking "and 25-4153" and inserting ", 25-4153 and 25-4157"; in line 2, by striking "25-4148" and inserting "25-4143, 25-4148, 25-4157a";

On roll call, the vote was: Yeas 77; Nays 45; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kinzer, Kleeb, Knox, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Alford, Ballard, Bollier, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Kelly, Kerschen, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Pauls, Phelps, Pottorff, Roth, Ruiz, Ryckman, Schroeder, Slattery, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Landwehr, Peterson.

The motion of Rep. Rubin prevailed.

Also, on motion of Rep. Hoffman, **H. Sub. for Sub. SB 127** be amended on page 9, following line 12, by inserting:

"Sec. 7. K.S.A. 2010 Supp. 24-139a is hereby amended to read as follows: 24-139a. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms. Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms as provided in K.S.A. 24-409 and 24-412, and amendments thereto.

Sec. 8. K.S.A. 2010 Supp. 24-409 is hereby amended to read as follows: 24-409.

- (a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.
- (b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:
- (1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and
- (2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.
- Sec. 9. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) <u>Subject to the provisions of subsection (b)</u>, except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.
- (b) On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. 24-139a, and amendments thereto.

And by renumbering the remaining sections accordingly;

Also on page 9, in line 13, before "25-2102", by inserting "24-412,"; also in line 13, after "Supp.", by inserting "24-139a, 24-409,";

On page 1, in the title, in line 1, after "K.S.A.", by inserting "24-412,"; in line 2, after "Supp.", by inserting "24-139a, 24-409,"; and **H. Sub. for Sub. SB 127** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HCR 5010**, be amended by adoption of the amendments recommended by House Committee on Education, as reported in the Journal of the House, on March 10, 2011, and the resolution, as printed with amendments by House Committee, be further amended on page 1, in line 23, by striking "equitable"; in line 24, by striking all before "be" and inserting "amount to";

On page 2, in line 3, by striking all following "finance"; in line 4, by striking all before "to" and inserting "to be in an amount"; in line 6, by striking "equitable"; in line 7, by striking ", with the manner and" and inserting "to be in an"; in line 14, by striking "determined" and inserting "directed"; and the resolution be adopted as amended.

Committee on Transportation recommends HR 6017 be adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2397, AN ACT concerning school districts; relating to the adequacy of the state's provision for finance of the educational interests of the state, by Committee on Appropriations.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Patton in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Patton, Committee of the Whole report, as follows, was adopted: Recommended that **SB 119** be passed.

HB 2314, SB 112; H. Sub. for SB 176; H. Sub. for SB 60 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 129** be adopted; also, on motion of Rep. Carlin to amend, Rep. Burroughs requested a ruling on the amendment being germane to the bill. The Rules chair ruled the amendment germane. The question reverted back to the motion of Rep. Carlin to amend and the bill be amended on page 10, in line 39, by striking "20th" and inserting "15th";

On page 11, in line 11, by striking "20" and inserting "15"; in line 13, by striking "20-day" and inserting "15-day" $^{\prime\prime}$

On page 20, following line 11, by inserting:

- "Sec. 10. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:
- (1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;
- (2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto:
 - (3) the 14 19 days preceding the day of primary and general state elections;
- (4) the 14 19 days preceding the day of primary city and school elections, if either has a primary;
 - (5) the 14 19 days preceding each first Tuesday in April of odd-numbered years,

being the day of city and school general elections;

- (6) the 14 19 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and
 - (7) the day of any primary or general election or any question submitted election.
- (b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.
- (c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.
- (d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 9 p.m. in cities of the first and second class.
- (e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 15th 20th day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 15th 20th day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.
- (f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.
- (g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.";

And by renumbering sections accordingly;

On page 29, in line 27, following "25-2203," by inserting "25-2311,";

On page 1, in the title, in line 1, following "25-2203," by inserting "25-2311,";

Also, roll call was demanded on motion of Rep. Mah to amend **H. Sub. for SB 129** on page 1, by striking all in lines 8 through 26;

By striking all on pages 2 through 28;

On page 29, by striking all in lines 1 through 30 and inserting:

- "Section 1. K.S.A. 2010 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. If such voter is not a first-time voter, then a form of valid identification shall be provided pursuant to the requirements of K.S.A. 25-2908, and amendments thereto.

- (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 Such 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) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless the county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection.
- (1) In the event that the signature of the person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide such person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified.
- (2) If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this section, or the identification of such person cannot be verified by the county election officer, the county election officer shall provide information to such person regarding the voter rights provisions of subsection (d) and shall provide such person an opportunity to provide identification pursuant to this subsection.

- (f)(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 evennumbered 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 $(\underline{f})(e)$ and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f)(g) 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 1212:00 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.

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.

(h)(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.

(i)(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 identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j)(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.

(k)(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.

(<u>I)(k)</u> The secretary of state may adopt rules and regulations defining valid forms of identification.

Sec. 2. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall

be accompanied by an affirmation in substance as follows:		
Affirmation of an Elector of the County of and State of Kansas		
Desiring to Vote an Advance Voting Ballot		
State of, County of, ss:		
I,		
(Please print name)		
do solemnly affirm under penalty of perjury that I am a qualified elector of		
the precinct of the ward, residing at number on		
street, city of, or in the township of, county of		
and state of Kansas. My date of birth is (month/day/year).		
I understand that if I have not previously voted in any election in this county and I		
have not previously submitted valid identification, I must provide one of the following		
forms of identification with this application in order to receive a ballot:		
(1) A current and valid Kansas driver's license number or nondriver's identification		
card number; or		
(2) the last four digits of my social security number; or		
(3) a copy of a current and valid Kansas driver's license or nondriver's		
identification card, utility bill, bank statement, paycheek, government cheek, or other		
government document that shows my name and address.		
I am entitled to vote an advance voting ballot and I have not voted and will not		
otherwise vote at the election to be held on (date). My political party is (to be filled in only when requesting primary election ballots). I desire my		
(to be filled in only when requesting primary election ballots). I desire my		
ballots to be sent to the following address:		
		
Signature of voter.		
Note: False statement on this affirmation is a severity level 9, nonperson felony.		
(b) The application for an advance voting ballot to be transmitted in person shall be		
accompanied by an affirmation in substance as follows:		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss:		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I, (Please print name)		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I, (Please print name) do solemnly affirm under penalty of perjury that I am a qualified elector of		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I, (Please print name) do solemnly affirm under penalty of perjury that I am a qualified elector of the precinct of the ward, residing at number on		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I, (Please print name) do solemnly affirm under penalty of perjury that I am a qualified elector of the precinct of the ward, residing at number on street, city of, or in the township of, county of		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		
accompanied by an affirmation in substance as follows: Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot State of, County of, ss: I,		

one of the following forms of identification with this application in order to receive a ballot: a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement paycheck, government check or other government document that shows my name and address. I understand that if I am unable or refuse to provide valid identification, I may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto.

	I am entitled to vote an advance voting ballo	ot and I have not voted and will
not otherv	wise vote at the election to be held on	(date). My political party
is	(to be filled in only when requesting primary election ballots).	
	Signature	of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

- (c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability.
- (d) Any application by a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.
- (e) The secretary of state may adopt rules and regulations in order to implement the provisions of this section.
- (f) 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 has re-registered.
- Sec. 3. K.S.A. 25-2411 is hereby amended to read as follows: 25-2411. Election perjury is intentionally and knowingly falsely swearing, affirming, declaring or subscribing to any of the following: (a) Statements in answer to questions put to a person who has been challenged as unqualified to vote.
- (b) Statements in answer to questions put to a witness concerning the qualifications of any person to vote.
- (c) Statements contained in any affidavit <u>or declaration</u> which is prescribed by chapter 25 of the Kansas Statutes Annotated, <u>and amendments thereto</u>, or any other election law of the state, or which is prescribed in any manner by the secretary of state or any county election officer under the election laws of this state.
- (d) Statements in answer to questions put by a county election officer or deputy county election officer relating to application for voter registration of any person.
- (e) Statements in answer to questions put by an election board member to a person asking for voter assistance because of age, visual handicap, lack of proficiency in reading the English language or physical disability.
 - (f) Statements of any witness at an election contest.

Election perjury is a severity level <u>89</u>, nonperson felony.

- Sec. 4. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the <u>national mail</u> voter registration <u>form issued pursuant to application prescribed by the federal law election commission.</u> Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.
- (b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to prevent duplicative voter registrations and enable the relevant election officer to assess the eligibility of the applicant and to administer voter registration, identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data to be kept by the relevant election officer as provided by law:
 - (1) Name;
- (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
 - (3) date of birth;
 - (4) sex;
- (5) the last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number:
 - (6) telephone number, if available;
 - (7) naturalization data (if applicable);
- (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
 - (9) when present residence established;
- (10) name under which applicant last registered or voted, if different from present name;
 - (11) an attestation that the applicant meets each eligibility requirement;
- (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes;
 - (15) boxes for the applicant to check to indicate whether the applicant is or is not a

citizen of the United States, together with the question "Are you a citizen of the United States of America?":

- (16) boxes for the county election officer or chief state election official to check to indicate whether the applicant has provided with the application the information necessary to assess the eligibility of the applicant;
- (17)(16) boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day, together with the question "Will you be 18 years of age on or before election day?";
- (18)(17) in reference to paragraphs (15) and (17)(16) the statement "If you checked 'no' in response to either of these questions, do not complete this form.";
- (19)(18) a statement that the applicant may be required to provide identification when voting; and
- (20)(19) political party affiliation declaration, if any. An applicant's failure to make a declaration will result in the applicant being registered as an unaffiliated voter.

If the application discloses any previous registration in any other county or state, as indicated by paragraph (8) or (10), or otherwise, the county election officer shall upon the registration of the applicant, give notice to the election official of the place of former registration, notifying such official of applicant's present residence and registration, and authorizing cancellation of such former registration. This section shall be interpreted and applied in accordance with federal law. No eligible applicant whose qualifications have been assessed shall be denied registration.

- (c) Any person who applies for registration through a voter registration agency shall be provided with, in addition to the application under subsection (b), a form which includes:
- (1) The question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
- (2) a statement that if the applicant declines to register to vote, this decision will remain confidential and be used only for voter registration purposes;
- (3) a statement that if the applicant does register to vote, information regarding the office to which the application was submitted will remain confidential and be used only for voter registration purposes; and
- (4) if the agency provides public assistance; (i) The statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";
- (ii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote, together with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
- (iii) the statement "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and
- (iv) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Kansas Secretary

of State."

- (d) If any person, in writing, declines to register to vote, the voter registration agency shall maintain the form prescribed by subsection (c).
- (e) A voter registration agency shall transmit the completed registration application to the county election officer not later than five days after the date of acceptance. Upon receipt of an application for registration, the county election officer shall send, by nonforwardable mail, a notice of disposition of the application to the applicant at the postal delivery address shown on the application. If a notice of disposition is returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.
- (f) If an application is received while registration is closed, such application shall be considered to have been received on the next following day during which registration is open.
- (g) A person who completes an application for voter registration shall be considered a registered voter when the county election officer adds the applicant's name to the county voter registration list.
- (h) Any registered voter whose residence address is not a permissible postal delivery address shall designate a postal address for registration records. When a county election officer has reason to believe that a voter's registration residence is not a permissible postal delivery address, the county election officer shall attempt to determine a proper mailing address for the voter.
- (i) Any registered voter may request that such person's residence address be concealed from public inspection on the voter registration list and on the original voter registration application form. Such request shall be made in writing to the county election officer, and shall specify a clearly unwarranted invasion of personal privacy or a threat to the voter's safety. Upon receipt of such a request, the county election officer shall take appropriate steps to ensure that such person's residence address is not publicly disclosed. Nothing in this subsection shall be construed as requiring or authorizing the secretary of state to include on the voter registration application form a space or other provision on the form that would allow the applicant to request that such applicant's residence address be concealed from public inspection.
- (j) No application for voter registration shall be made available for public inspection or copying unless the information required by paragraph (5) of subsection (b) has been removed or otherwise rendered unreadable.
- (k) If an applicant fails to answer the question prescribed in paragraph (15) of subsection (b), the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness. The notice shall specify a period of time during which the applicant may complete the application in accordance with K.S.A. 25-2311, and amendments thereto, and be eligible to vote in the next election.
- (1) The county election officer or the secretary of state's office shall accept any completed application for registration, but an applicant shall not be registered until the voter's application is accompanied by satisfactory evidence of a person's eligibility to vote. Upon the ability of the county officer or secretary of state's office to verify United States citizenship by obtaining Kansas driver's license numbers, Kansas nondriver's identification card numbers or social security numbers electronically, the county election officer or secretary of state shall reject any application for voter registration

where satisfactory evidence of United States citizenship cannot be verified.

- Sec. 5. K.S.A. 25-2352 is hereby amended to read as follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's license application and nondriver identification card application (including any renewal application) submitted to a division of motor vehicles office in Kansas shall serve as an application for voter registration unless the applicant fails to sign the voter registration application. An individual who completes the application for voter registration and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.
- (2) An application for voter registration submitted under subsection (a)(1) shall be considered as updating any previous voter registration by the applicant.
 - (b) The voter registration section of the application:
- (1) May require a second signature or other information that duplicates, or is in addition to, information in the driver's license or nondriver's identification card section of the application to prevent duplicate voter registrations, and to enable Kansas election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (2) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury;
- (3) shall include a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (4) shall include a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;
- (5) shall be made available by the division of vehicles (as submitted by the applicant, or in machine-readable or other format) to the secretary of state and county election officers, as provided by rules and regulations adopted by the secretary of state; and
- (6) shall be transmitted to the county election officer not later than five days after the date of acceptance.
- (c) The motor vehicle driver's license and nondriver identification card form used for change of residence address shall also serve as a notification of change of residence address for voter registration for elections, unless the registrant states on the form that the change is not for voter registration purposes.
- (d) The voter registration portion of the motor vehicle driver's license and nondriver identification card applications and change of address forms used shall be subject to approval by the secretary of state for purposes of voter registration under this section
- (e) Following the line fixed for the signature of the applicant on the application for voter registration, a statement shall be printed stating that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison.
- (f) The department of revenue or an employee of the department of revenue acting within the scope of the employee's employment shall not be liable for any damages resulting from any claim based on the department of revenue's transfer of any motor

- vehicle record information to the secretary of state that is required or permitted by law.
- (f)(g) The secretary of state is hereby authorized to adopt such rules and regulations in the manner prescribed by law as may be necessary for the administration of the provisions of this section.
- Sec. 6. K.S.A. 25-2416 is hereby amended to read as follows: 25-2416. (a) Voting without being qualified is knowingly and willfully: (a)
- (1) Voting or attempting to vote at-in any election district when not a lawfully registered voter in such election district; or-
- (2) voting or attempting to vote in any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector.
 - (b) Voting or offering to vote more than once at the same election.
 - (e) Inducing or aiding any person to vote more than once at the same election.
- (b) Voting without being qualified is a <u>severity level 8, nonperson felony elass A</u> misdemeanor.
 - Sec. 7. K.S.A. 25-2423 is hereby amended to read as follows: 25-2423.
- (a) Election tampering is, while being charged with no election duty, making or changing any election record.
 - (b) Election tampering is a severity level 78, nonperson felony.
 - Sec. 8. K.S.A. 25-2431 is hereby amended to read as follows: 25-2431.
- (a) False impersonation of a voter is representing oneself as another <u>person whether</u> <u>real or fictitious</u> and <u>therebythereas</u> voting or attempting to vote.
 - (b) False impersonation of a voter is a severity level 89, nonperson felony.
- Sec. 9. K.S.A. 2010 Supp. 25-2908 is hereby amended to read as follows: 25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.
- (b) A person desiring to vote shall provide to the election board: (1) The voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book; and (4) a valid form of identification listed in subsection (d). A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.
 - (c) A member of the election board shall:
- (1) Announce the voter's name in a loud and distinct tone of voice, and, if the name is in the registration books, the member of the election board having the registration record shall repeat the name:
 - (2) request the voter's signature on the registration or poll book;
- (3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language;
- (4) if the voter is a first-time voter as described in subsection (h) of this section, request valid identification from the voter unless such voter has previously submitted-

eurrent and valid identification in the county where registered; request a valid form of identification from the voter. If the member of the election board is satisfied that the voter is the person depicted in the identification and that the identification provided is one of the valid forms of identification listed in subsection (d), the member of the election board shall place such member's initials in the space provided and allow the voter to vote:

- (5) give the voter one ballot, on the upper right-hand corner of which shall be written the number corresponding to the voter's number in the registration book or poll book; and
 - (6) mark the voter's name in the registration book and party affiliation list.
- (d) A first-time voter shall provide to the election board 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 unless such voter has previously submitted current and valid-identification in the county where registered. The document provided in accordance with this section shall contain the voter's current name and address as indicated on the registration book or poll book.
- (e) If a first-time voter is unable or refuses to provide current and valid identification at the polling place, or if the name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The
- (1) A first-time voter shall provide a valid form of identification as defined in subsection (d) 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 such 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.
- (2) If a voter is not a first-time voter, the county election officer shall validate the voter's eligibility by comparing the information provided on the provisional ballot application with the voter's county voter registration record.
- (f) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.
- (g) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot

was properly cast and the voter has not otherwise voted at such election.

- (h) 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 has re-registered.
- (i) The secretary of state may adopt rules and regulations defining valid forms of identification.
- Sec. 10. K.S.A. 2010 Supp. 25-3002 is hereby amended to read as follows: 25-3002. (a) The rules prescribed in this section shall apply to:
 - (1) The original canvass by election boards.
 - (2) Intermediate and final canvasses by county boards of canvassers.
 - (3) Final canvass by the state board of canvassers.
 - (4) All election contests.
 - (5) All other officers canvassing or having a part in the canvass of any election.
 - (b) Rules for canvassers:
- (1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.
- (2) The occurrences listed in this <u>paragraphsubpart</u> (2) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this <u>paragraphsubpart</u> (2) shall apply are:
- (A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.
- (B) Whenever a voting mark is placed in the square at the left of a space where no candidate is listed.
- (3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.
- (4) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:
 - (A) Both candidates' names are written on the ballot; or
 - (B) only the name of the candidate for governor is written on the ballot.
- (5) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

- (A) Both candidates' names are written on the ballot; or
- (B) only the name of the candidate for president is written on the ballot.
- (6) A write-in vote for candidates for state offices elected on a statewide basis other than offices subject to paragraph (4) shall not be counted unless the candidate has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto.
- (7) Any advance voting or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted
- (8) No ballot cast by a first-time voter as defined by K.S.A. 25-1122, and amendments thereto, or K.S.A. 25-2908, and amendments thereto, shall be counted if the voter fails to provide valid identification.
- Sec. 11. K.S.A. 2010 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 88:00 a.m. and 1010:00 a.m. on the Monday Friday next following any election held on a Tuesday, except that the county election officer may move the canvass to the Monday nextsecond Thursday following the election if notice is published prior to the canvass in a newspaper with general circulation in the county. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the fifth day following the day of such election.

New Sec. 12. (a) Voting more than once is knowingly:

- (1) Voting or offering to vote more than once at the same election; or
- (2) inducing or aiding any person to vote more than once at the same election.
- (b) Voting more than once is a:
- (1) Class A nonperson misdemeanor, except as provided in subsection (b)(2); and
- (2) severity level 9, nonperson felony, upon a second or subsequent conviction.
- New Sec. 13. (a) The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.
- (b) The secretary of state shall investigate past occurrences and current opportunities for voter fraud in the use of direct recording electronic voting systems. The secretary of state shall compile a report of such findings as well as devise a plan to prevent instances of voter fraud. The secretary shall report to the legislature on or before the 15th day of the 2012 legislative session.
- New Sec. 14. (a) If no moneys are appropriated for the purpose of carrying out the provisions of this act, then this act shall have no force or effect.
- (b) If any provision of this act is held to be unconstitutional under the United States of Kansas constitutions, that provision shall be severed from the act, and the other provisions of this act shall remain valid and in effect pursuant to the requirements of

subsection (a).

Sec. 15. K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 are hereby repealed.";

By renumbering the remaining section accordingly;

In the title, in line 1, by striking all after the semicolon; by striking all in lines 2 and 3; in line 4, by striking all before the second "and" and inserting "relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104";

On roll call, the vote was: Yeas 31; Nays 89; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Davis, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kelley, Peterson, Sloan.

The motion of Rep. Mah did not prevail, and H. Sub. for SB 129 be passed as amended

Committee report to **SB 134** be adopted; also, on motion of Rep. O'Neal be amended on page 1, in line 12, before "K.S.A." by inserting "On January 1, 2012,";

On page 2, in line 22, before "K.S.A." by inserting "On January 1, 2012,"; in line 40, before "K.S.A." by inserting "On January 1, 2012,";

On page 4, in line 1, before "K.S.A." by inserting "On January 1, 2012,";

On page 6, in line 20, before "K.S.A." by inserting "On January 1, 2012,";

On page 7, in line 6, before "K.S.A." by inserting "On January 1, 2012,";

On page 9, in line 14, before "K.S.A." by inserting "On January 1, 2012,";

On page 10, in line 23, before "K.S.A." by inserting "On January 1, 2012,";

On page 11, in line 19, before "K.S.A." by inserting "On January 1, 2012,";

On page 13, in line 2, before "K.S.A." by inserting "On January 1, 2012,"; in line 22, before "K.S.A." by inserting "On January 1, 2012,";

On page 14, in line 3, before "K.S.A." by inserting "On January 1, 2012,";

On page 15, in line 31, before "K.S.A." by inserting "On January 1, 2012,";

On page 18, in line 5, before "K.S.A." by inserting "On January 1, 2012,";

On page 19, in line 12, before "K.S.A." by inserting "On January 1, 2012, in line 27, before "K.S.A." by inserting "On January 1, 2012,";

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On page 20, in line 40, before "K.S.A." by inserting "On January 1, 2012,";
  On page 29, in line 14, before "K.S.A." by inserting "On January 1, 2012,";
  On page 30, in line 10, before "K.S.A." by inserting "On January 1, 2012,";
  On page 33, in line 40, before "K.S.A." by inserting "On January 1, 2012,";
  On page 35, in line 11, before "K.S.A." by inserting "On January 1, 2012,":
  On page 37, in line 23, before "K.S.A." by inserting "On January 1, 2012,";
  On page 38, in line 26, before "K.S.A." by inserting "On January 1, 2012,";
  On page 40, in line 20, before "K.S.A." by inserting "On January 1, 2012,";
  On page 42, in line 28, before "K.S.A." by inserting "On January 1, 2012,";
  On page 43, in line 19, before "K.S.A." by inserting "On January 1, 2012,";
  On page 44, in line 1, before "K.S.A." by inserting "On January 1, 2012,";
  On page 45, in line 25, before "K.S.A." by inserting "On January 1, 2012,"; in line
38, before "K.S.A." by inserting "On January 1, 2012,";
  On page 47, in line 3, before "K.S.A." by inserting "On January 1, 2012,";
  On page 48, in line 16, before "K.S.A." by inserting "On January 1, 2012,";
  On page 50, in line 12, before "K.S.A." by inserting "On January 1, 2012,";
  On page 53, in line 18, before "K.S.A." by inserting "On January 1, 2012," in line 21,
before "K.S.A." by inserting "On January 1, 2012,"; in line 38, before "K.S.A." by
inserting "On January 1, 2012,":
  On page 54, in line 28, before "K.S.A." by inserting "On January 1, 2012,";
  On page 55, in line 34, before "K.S.A." by inserting "On January 1, 2012,";
  On page 56, in line 15, before "K.S.A." by inserting "On January 1, 2012,";
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On page 57, in line 25, before "K.S.A." by inserting "On January 1, 2012,"; On page 58, in line 5, before "K.S.A." by inserting "On January 1, 2012,"; after line 18, by inserting the following:

"Sec. 41. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the

health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

- (b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.
- (c) Any person whose license as a registered professional nurse has lapsed for a period of more than five years beyond its expiration date and who has been employed for at least four of the last five years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person's work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board.
- (d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.
- (2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.
 - Sec. 42. K.S.A. 2010 Supp. 65-1117 is hereby repealed.";

And renumbering the remaining sections accordingly;

Also on page 58, in line 19, before "K.S.A." by inserting "On January 1, 2012,"; in line 27, by striking all before "its"; also in line 27, by striking "statute book" and inserting "Kansas register":

On page 1, in the title, in line 1, following the semicolon where it appears for the second time, by inserting "renewal of licenses; in line 5, following "65-468," by

inserting "65-1117,"; and SB 134 be passed as a amended.

Committee report recommending a substitute bill to **Sub. HB 2340** be adopted; also, on motion of Rep. Landwehr be amended on page 4, in line 41, by striking "and"; in line 42, by striking the period and inserting "; and

(9) any benefit cigar dinner or other smoking event conducted specifically and exclusively for charitable purposes by an organization which is organized not-for-profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1986.":

On motion of Rep. Goico to amend **Sub. HB 2340**, the motion did not prevail. Also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Slattery, **Sub. HB 2340** be amended as amended by House Committee of the Whole, in the first line of subsection (9) inserted by amendment fa_2011_hb2310_h_2347, adopted on motion of Representative Landwehr, after "any", by inserting "annual"; also in the first line of subsection (9), after "other", by inserting "annual";

Also, roll call was demanded on motion of Rep. Garber to amend **Sub. HB 2340** on page 2, following line 33, by inserting:

"(j) "Private business" means any business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services, whether for profit or not-for-profit, and which is not owned or controlled by any state or local governmental entity.";

And by relettering the remaining subsections accordingly;

On page 4, following line 16, by inserting:

"(2) any private business, provided, the proprietor or other person in charge of the premises of such private business posts or causes to be posted in a conspicuous place signs stating that such private business permits smoking on the premises;";

And by renumbering the remaining paragraphs accordingly

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brown, Brunk, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Goodman, Gordon, Grant, Grosserode, Hayzlett, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Kerschen, Kiegerl, Kinzer, Landwehr, McLeland, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber.

Nays: Ballard, Bethell, Billinger, Bollier, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Gonzalez, Grange, Gregory, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Johnson, Kelley, Kelly, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Mosier, Moxley, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Ryckman, Scapa, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, M. Holmes, Kleeb, Knox, Peterson.

The motion of Rep. Garber did not prevail.

Also, on motion of Rep. Peck to amend **Sub. HB 2340**, the motion did not prevail.

Also, on motion of Rep. Grant to amend **Sub. HB 2340**, Rep. Meigs requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. D. Gatewood challenged the ruling, the question being "Shall the Rules Chair be sustained?" Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Calloway, Carlin, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Phelps, Ruiz, Seiwert, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore,

Present but not voting: None.

Absent or not voting: Fund, Goico, Grosserode, Huebert, Kiegerl, Peterson.

The Rules Chair was sustained.

Also, on motion of Rep. Hermanson to amend **Sub. HB 2340**, the motion did not prevail, and the substitute bill be passed as amended.

Committee report to **SB 125** be adopted; also, on motion of Rep. Rubin to amend, the motion did not prevail, and the bill be passed as a amended.

Committee report to **SB 150** be adopted; and the bill be passed as a amended.

Committee report to **SB 115** be adopted; also, on motion of Rep. Burgess be amended on page 1, in line 8, after "(a) " by inserting "For purposes of sections 1 through 4, and amendments thereto,"; in line 15, by striking "3" and inserting "4"; in line 20, by striking "3" and inserting "4";

On page 2, in line 1, by striking "3" and inserting "4";

On page 4, in line 41, following the semicolon, by inserting "and";

On page 5, in line 33, by striking "1 through 4" and inserting "8 through 22";

On page 8, in line 16, after "12." by inserting "(a)";

On page 9, in line 28, after "14." by inserting "(a); and SB 115 be passed as amended.

Committee report recommending a substitute bill and committee report amending **Sub. HB 2221** be adopted; also, on motion of Rep. Trimmer be amended on page 1, in line 13, after "branch" by inserting "and any appointed state council or state commission";

On page 4, in line 9, by striking "or non-monetary"; and **Sub. HB 2221** be passed as amended.

Committee report to **HB 2392** be adopted; and the bill be passed as a amended.

On motion of Rep. Collins to amend **SB 212**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment not germane, and the bill be passed.

On motion of Rep. Sloan, SB 10 be amended on page 5, in line 39, by striking

"preservation" and inserting "conservation"; also in line 39, by striking ", and for"; in line 40, by striking all before the period and inserting "; preservation of cultural heritage; and economic development projects and activities";

Also, on motion of Rep. Pauls, **SB 10** be amended on page 6, in line 13, after the period by inserting "The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4%, which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.":

Also, on motion of Rep. Frownfelter to amend **SB 10**, Rep. Carlson requested a ruling on the amendment begin germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Frownfelter to amend, which did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 55** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to H. Sub. for SB 23 be adopted; and the substitute bill be passed.

Committee report to **SB** 11 be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2269**, as amended by House Committee of the Whole, be amended on page 2, in line 1, by striking "and" and inserting the following:

"(iv) divide the sum obtained under clause (iii) by .90; and";

Also on page 2, in line 2, by striking "(iv)" and inserting "(v)"; also in line 2, by striking "(iii)" and inserting "(iv)"; and the bill be passed as amended.

Committee on Energy and Utilities recommends SB 215 be passed.

Committee on **Energy and Utilities** recommends **SB 224** be amended on page 1, following line 6, by inserting "New Section 1. On or before February 1, 2013, and every two years thereafter, the state corporation commission shall compile a report regarding electric supply and demand for all electric utilities in Kansas. The report shall include, but not be limited to, generation capacity needs, system peak capacity needs and renewable generation needs associated with the 2009 Kansas renewable energy standards. The commission shall submit the report to the house energy and utilities committee and the senate utilities committee.";

And renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all of line 2 and inserting "utilities"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Smith moved that **HB** 2372 be withdrawn from Committee on Judiciary and be placed on the calendar under the order of business General Orders.

The Chief Clerk of the House Representatives is requested to read this motion and cause it to be printed in the calendar of March 23, 2011, under the order of business

Consideration of Motions and House Resolutions Offered on a Previous Day as provided by House Rule 1309 (b).

MESSAGES FROM THE SENATE

Announcing passage of SB 210, SB 223, SB 225.

Announcing passage of HB 2060, HB 2074, HB 2082.

Announcing passage of HB 2075, as amended; HB 2119, as amended; HB 2122, as amended; HB 2132, as amended by S. Sub. for HB 2132; Sub. HB 2134, as amended; HB 2240, as amended.

Announcing adoption of SCR 1606.

Also, the Senate nonconcurs in House amendments to SB 61, requests a conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 193**, requests a conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2049** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2151** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 210, SB 223, SB 225; SCR 1606.

REPORT ON ENGROSSED BILLS

HB 2023 reported correctly re-engrossed March 21, 2011.

REPORT ON ENROLLED BILLS

HB 2001, HB 2013, HB 2029, HB 2038, HB 2078, HB 2083, HB 2205, HB 2258 reported correctly enrolled, properly signed and presented to the Governor on March 22, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, March 23, 2011.

Journal of the House

FORTY-EIGHTH DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, March 23, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Fund was excused on verified illness.

Rep. Bollier was excused on excused absence by the Speaker later in the day.

Prayer by guest chaplain, Father John Fongemie, St. Phillipine Latin Mass Community Blessed Sacrament, Kansas City, guest of Rep. Kiegerl.

The Pledge of Allegiance was led by Rep. Kiegerl.

Kansas Trivia Question – Danny Manning, a University of Kansas basketball star who graduated in 1989, has played for what professional basketball teams?

Answer: Clippers, Hawks, Suns, Bucks, Jazz, Mavericks and Pistons.

INTRODUCTION OF GUESTS

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

I bring before you today Donnie Lockhart, Jr., Donnie Lockhart III, and Coach Chad Parks. I am here to recognize Donnie for his recent victory, capping a perfect season and winning the 5A state championship in wrestling title at 189 pounds. I would not ordinarily bring athletes before you for simply athletic accomplishments. I feel that this in particular deserves recognition for three reasons. First is the perfect season, second Donnie maintained a GPA above 3.0, and most importantly, Donnie gave up a scholarship to the University of Oklahoma to play football right here in Topeka at Washburn University.

Rep. S. Gatewood presented Donnie with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2396**. Education Budget: **HB 2397**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution appearing on the calendar as "to be referred" were referred to committees as indicated:

Aging and Long Term Care: SB 210 (jointly).

Energy and Utilities: **SCR 1606**. Federal and State Affairs: **SB 223**.

Social Services Budget: SB 210 (jointly).

Transportation: **SB 225**.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Francisco as a member of the conference committee on **SB 67** to replace Senator Faust-Goudeau.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell, **HR 6014**, A RESOLUTION in memory of Richard "Dick" Wellman, was adopted.

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

I am privileged to have members of Dick Wellman's family with me today. They are Mr. Wellman's daughter, Ms. Emily Wellman who works for Senator Pat Roberts; and, his grandson Jesse Wellman and wife Karen, and great-grandchildren Lee and Amy Wellman.

As I reflect on the life of Mr. Wellman and as you have heard during the reading of the resolution honoring Mr. Wellman, he was a rancher, gentleman, father, grandfather and friend. Most of all as I remember Dick he was a Statesman. His life was one of being an advocate for Kansas in so many ways. I can tell you stories of how he interacted with those across our great nation. One interesting one concerns his induction into the "Hole in the Wall Gang." I will not take the time to tell the story now but will offer it to any at another time.

You may "google" the Hole in the Wall Gang and see the other distinguished members that Mr. Wellman interacted with as an ambassador of the great citizens of Kansas.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Smith, in accordance with subsection (b) of House Rule 1309, that **HB 2372** be withdrawn from Committee on Judiciary and placed on the calendar under the order of business General Orders, was considered.

The motion did not prevail.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2221, AN ACT concerning state agencies; relating to the employee award program; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section, was considered on final action.

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

voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kinzer, Meigs, Schwab, Schwartz.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

HB 2336, AN ACT establishing the Kansas employment first initiative act., was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

Sub. HB 2340, AN ACT concerning crimes and punishments; relating to smoking; amending K.S.A. 2010 Supp. 21-4009 and 21-4010 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 1; Absent or not

voting: 1.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Flaharty, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Neal, Osterman, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Williams, B, Wolf, K. Wolf, Worley.

Nays: Burroughs, Carlin, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, Goodman, Grant, Grosserode, Henderson, Hildabrand, Kuether, McCray-Miller, Montgomery, O'Brien, O'Hara, Otto, Pauls, Peterson, Seiwert, Weber, Wetta, Winn, Wolfe Moore.

Present but not voting: Aurand.

Absent or not voting: Fund.

The substitute bill passed, as amended.

HB 2392, AN ACT concerning setoff against certain debtors; relating to federal department of the treasury, agreements, procedure and fees; amending K.S.A. 75-6204 and K.S.A. 2010 Supp. 75-6202 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 10, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, DeGraaf, Gregory, Grosserode, Hildabrand, Hoffman, Huebert, Kelley, Kiegerl, Kinzer, Patton, Scapa, Smith.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 11, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Billinger, Bowers, Brunk, Grange, Hineman, Kelley, Kelly, Kiegerl, Kinzer, Landwehr, Mast, Schwartz.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

H. Sub. for SB 23, AN ACT concerning children and minors; relating to jury trials; relating to high school diplomas for children in the custody of the secretary and children in need of care; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

H. Sub. for SB 55, AN ACT concerning crimes, criminal procedure and punishment; relating to electronic communications; relating to harassment by telecommunications device; relating to warrants for interception and information; amending K.S.A. 2010 Supp. 22-2502 and 22-2516 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

SB 103, AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Lane.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 115, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 36; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fawcett, Finney, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mast, McCray-Miller, McLeland, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Carlin, Colloton, Davis, Denning, Dillmore, Feuerborn, Flaharty, Frownfelter, S. Gatewood, Grange, Grosserode, Henderson, Henry, Kelly, Kerschen, Kuether, Loganbill, Mah, Meier, Meigs, Mosier, Pauls, Peterson, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 119, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Brunk, DeGraaf, Denning, Gregory, Grosserode, Hildabrand, Hoffman, Kelley, Kelly, Kiegerl, Kinzer, Landwehr, Meigs, O'Hara, Peck, Rhoades, Scapa, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A.2-624 and 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Dillmore, Flaharty, Lane, Schroeder, Victors.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

H. Sub. for Sub. SB 127, AN ACT concerning elections; amending K.S.A. 25-2102 and 25-4153 and K.S.A. 2010 Supp. 25-2021, 25-2108a, 25-4148 and 71-1415 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 44; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Johnson, Kerschen, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Ryckman, Schroeder, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: Most people already think that legislators write the rules so they are guaranteed re-election. The campaign finance amendment proves they are right. This incumbent protection act is an embarrassment. It allows incumbents to build up a war chest and eliminate the competition before it starts. I don't think voters were concerned about our war chests last November. They'd just like to get a job. Let's get our priorities straight. I vote no on **H. Sub. for Sub. SB 127**. – Ann Mah

H. Sub. for SB 129, AN ACT concerning elections; amending K.S.A. 25-321, 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 37; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, Williams, B. Wolf, K. Wolf, Worley.

Nays: Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

SB 134, AN ACT relating to nursing; concerning advanced practice nursing; amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-5213, 72-8252 and 74-1106 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-1626d, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Dillmore, Hildabrand, Kelley, Kinzer, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 150, AN ACT concerning cities; relating to boundaries; amending K.S.A. 12-519, 12-5206, 12-521, 12-531, 12-532, 15-116, 15-117, 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, S. Gatewood, Goico, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier,

Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bowers, Brookens, Burroughs, Carlin, Davis, Frownfelter, D. Gatewood, Gonzalez, Goodman, Henderson, Kelly, Kuether, Landwehr, Meier, Ruiz, Schroeder, Slattery, Swanson, Tietze, Ward, Winn.

Present but not voting: None. Absent or not voting: Fund. The bill passed, as amended.

SB 185, AN ACT concerning insurance; designating trust companies as trustees; amending K.S.A. 2010 Supp. 40-2a20 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 1; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Lane.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed.

SB 212, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland,

Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs.

Present but not voting: None. Absent or not voting: Fund.

The bill passed.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Kleeb in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Kleeb, Committee of the Whole report, as follows, was adopted: Recommended that committee report recommending a substitute bill to **H. Sub. for SB 60** be adopted; also, on motion of Rep. Colloton be amended on page 1, following line 6, by inserting the following:

"Section 1. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

- (1) Release the person without imposition of sentence;
- (2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); Θ
- (3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation—; or
- (4) impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.
- (c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.
 - (d) If the person is 18 or more years of age but less than 21 years of age and

is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

- (e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:
- (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
- (2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
 - (3) report to the probation officer as directed;
 - (4) permit the probation officer to visit the defendant at home or elsewhere;
 - (5) work faithfully at suitable employment insofar as possible;
 - (6) remain within the state unless the court grants permission to leave;
- (7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court:
 - (8) support the defendant's dependents;
- (9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;
- (10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;
- (11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;
- (12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court; or
- (13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.
- (f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.";

And renumbering the remaining sections accordingly;

On page 7, following line 34, by inserting the following:

"Sec. 5. Section 249 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 249. (a) The court or the secretary of

corrections may implement a house arrest program for defendants or inmates being sentenced by the court or in the custody of the secretary of corrections or as a sanction for offenders who have failed to comply with the conditions of probation, parole or postrelease supervision, except:

- (1) No defendant shall be placed by the court under house arrest if found guilty of:
- (A) Any crime designated as a class A or B felony in article 34 or 35 of the Kansas Statutes Annotated, prior to their repeal;
- (B) subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; σ
- (C) section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
 - (D) any off-grid felony; or
- (E) any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, unless the offender has been sentenced to probation;
- (2) no inmate shall be placed under house arrest if such inmate's security status is greater than minimum security; or
- (3) no inmate shall be placed under house arrest who has been denied parole by the parole board within the last 6 months. Any inmate who, while participating in the house arrest program, is denied parole by the parole board shall be allowed to remain under house arrest until the completion of the sentence or until the inmate is otherwise removed from the program.
- (b) Prior to the At the time of placement of an inmate under house arrest, the court or secretary or house arrest staff shall provide written notification to the sheriff and district or county attorney of the county in which any person under house arrest is to be placed and to the chief law enforcement officer of any incorporated city or town in which such person is to be placed of the placement of the person under house arrest within the county or incorporated city or town.
- (c) House arrest sanctions shall be administered by the court and the secretary of corrections, respectively, through rules and regulations, and may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the inmate's liberty.
- (d) Upon placement in a house arrest program, the court, secretary or house arrest staff shall inform the offender, and any other people residing with such offender, of the nature and extent of such house arrest monitoring, and shall obtain the written agreement of such offender to comply with all requirements of the program.
- (e) The offender shall remain within the property boundaries of the offender's residence at all times during the term of house arrest, except as provided under the house arrest agreement with such offender.
- (f) The offender shall allow any law enforcement officer, community corrections officer, court services officer or duly authorized agent of the department of corrections, to enter such offender's residence at any time to verify the offender's compliance with the conditions of the house release.
- (g) As a condition of house arrest, the court or secretary may require an offender placed under house arrest to pay any supervision costs associated with the

house arrest program.

- (h) The offender shall consent to be monitored by:
- (1) An electronic monitoring device on such offender's person;
- (2) an electronic monitoring device in such offender's home;
- (3) a remote blood alcohol monitoring device;
- (4) a home telephone verification procedure;
- (5) radio frequency devices; or
- (6) any combination of monitoring methods as the court, secretary or house arrest staff finds necessary.
- (i) The secretary or the court may contract for independent monitoring services. Such independent monitoring service shall be able to provide monitoring 24 hours a day, every day of the year, and any other services as determined by the secretary.
 - (i) As used in this section:
- (1) "House arrest staff" means an independent contractor or government entity, and agents thereof, utilized by the secretary or court to administer the provisions of a house arrest program;
 - (2) "electronic monitoring device" means:
- (A) an active or passive global positioning system-enabled device capable of recording and transmitting an offender's location at all times or at designated intervals. Such monitoring device may record or transmit sound, visual images or other information regarding such offender's location, via wireless communication; or
- (B) a radio frequency device capable of monitoring an offender's location; and
- (3) "remote alcohol monitoring device" means a device capable of monitoring an offender's blood alcohol content via micro fuel cell or deep lung tissue sample. Such monitoring devices shall be of comparable accuracy to roadside breath alcohol testing devices utilized by law enforcement, and shall have wireless or landline telephone transmission capabilities. Such device may be used in conjunction with an alcohol and drug-sensing bracelet to monitor such offender's compliance with the terms of house arrest.
- Sec. 7. Section 285 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:
- (b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.
- (c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.
- (d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.
 - (e) (1) The sentencing court has discretion to sentence at any place within

the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

- (2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:
 - (A) Prison sentence;
- (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.
- (3) In presumptive nonprison cases, the sentencing court shall pronounce the:
 - (A) Prison sentence; and
 - (B) duration of the nonprison sanction at the sentencing hearing.
- (f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).
- (g) The sentence for a violation of section 48, and amendments thereto, K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
- (h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
- (i) (l) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

- (3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to section 249 of the 2010 Session Laws of Kansas, and amendments thereto.
- (j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.
- (2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:
- (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and
- (ii) at the time of the conviction under paragraph subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or
- (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and
- (ii) at the time of the conviction under paragraph <u>subsection (j)(2)(B)(i)</u> has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.
- (3) Except as provided in paragraph subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.
- (k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
- (2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:
 - (A) The commission of one or more person felonies; or
 - (B) the commission of felony violations of K.S.A. 2009 2010 Supp. 21-

- 36a01 through 21-36a17, and amendments thereto; and
- (C) its members have a common name or common identifying sign or symbol; and
- (D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2009 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any substantially similar offense from another jurisdiction.
- (I) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumed presumptive imprisonment.
- (m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).
- (n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of

chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

- (p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:
- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests

by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

- (q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:
- (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- (2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
- (3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

- (r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.
- (2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.";

And renumbering the remaining sections accordingly;

Also on page 7, in line 35, after "Supp." by inserting "12-4509,"; in line 36, after "75-52,112" by inserting "and sections 249 and 285 of chapter 136 of the 2010

Session Laws of Kansas":

On page 1, in the title, in line 2, after the semicolon where it appears for the second time by inserting "relating to house arrest;"; in line 3, after "Supp." by inserting "12-4509,"; in line 4, after "75-52,112" by inserting "and sections 249 and 285 of chapter 136 of the 2010 Session Laws of Kansas";

Also, on motion of Rep. Dillmore, **H. Sub. for SB 60** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

- (b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed \$15 per docket fee, to fund the costs of non-judicial nonjudicial personnel. The petition shall state:
 - (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
 - (3) the petitioner's sex, race and date of birth;
 - (4) the crime for which the petitioner was arrested;
 - (5) the date of the petitioner's arrest; and
 - (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

- (c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
 - (2) a court has found that there was no probable cause for the arrest;
 - (3) the petitioner was found not guilty in court proceedings; or
 - (4) the expungement would be in the best interests of justice and (A)

charges have been dismissed; or (B) no charges have been or are likely to be filed.

- (d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.
- (e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services:
- (2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
- (3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutual racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
- (5) in any application for a commercial driver's license under K.S.A. 8-2.125 through 8-2.142, and amendments thereto:
- (6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or
 - (8) in any other circumstances which the court deems appropriate.
- (f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.
- (g) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.
- (h) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.";

And by renumbering the remaining sections accordingly;

On page 7, in line 35, after "Supp." by inserting "22-2410,";

On page 1, in the title, in line 3, after "Supp." by inserting "22-2410," and **H.** Sub. for SB 60 be passed as amended.

Committee report to **Sub. SB 50** be adopted; also, on motion of Rep. Hineman be amended on page 4, in line 23, after "who" by inserting ", after January 1, 2012,"; in line 27, before "The" by inserting "Prior to January 1, 2012, the department of administration shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act."; and **Sub. SB 50** be passed as amended.

Committee report to **HR 6008** be adopted; also, on motion of Rep. Hineman be amended on page 1, in the title, in line 2, by striking "mandate" and inserting "train wreck"; and the resolution be adopted as amended.

Committee report to **HB 2386** be adopted; also, on motion of Rep. Kinzer be amended on page 1, in line 33, by striking all after the period; by striking all in line 34; in line 35, by striking "one time."; and the bill be passed as amended.

Committee report to **SB 143** be adopted; also, on motion of Rep. Calloway be amended on page 12, in line 37, before "K.S.A." by inserting "On July 1, 2011,";

On page 46, in line 38, before "71-620" by inserting "as amended by section 22 of this act".

On page 1, in the title, in line 13, before "71-613a" by inserting "as amended by section 22 of this act,"; and **SB 143** be passed as a amended.

Committee report to **SB 83** be adopted; also, on motion of Rep. Kinzer to amend, Rep. Davis requested a ruling on the amendment being germane to the bill.

Rose and reported progress.

MESSAGE FROM THE SENATE

Announcing passage of Sub. SB 111; SB 227.

Announcing passage of HB 2124, HB 2227.

Announcing passage of HB 2008, as amended by S. Sub. for HB 2008; HB 2010, as amended; HB 2015, as amended; HB 2067, as amended; HB 2071, as amended by S. Sub. for HB 2071; HB 2104, as amended; HB 2118, as amended; HB 2125, as amended; HB 2147, as amended; HB 2149, as amended by S. Sub. for HB 2149; HB 2182, as amended; Sub. HB 2191, as amended; HB 2194, a amended by S. Sub. for HB 2194; HB 2195, as amended; HB 2251, as amended by S. Sub. for HB 2251; Sub. HB 2271, as amended.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

Sub. SB 111; SB 227.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 35** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 35," as follows:

"HOUSE Substitute for SENATE BILL NO. 35 By Committee on Federal and State Affairs "AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section."; and the substitute bill be passed. (H. Sub. for SB 35 was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

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

Request No. 91, by Representative Valdenia Winn, congratulating Martin Chislom for his outstanding dedication to the advancement of the arts in the metropolitan Kansas City area as Co-founder and Artistic Director of the MC Players, Inc.;

Request No. 92, by Representative Valdenia Winn, congratulating Otis Charles Williams for promoting the history and legacy of Cathy Williams, who was the only female buffalo soldier during the post Civil War era in the United States;

Request No. 93, by Representative Valdenia Winn, congratulating Granvile T. O'Neal for his outstanding contribution to MC Players, Inc. and to the advancement of the performing arts:

Request No. 94, by Representative Grange, congratulating Alice Lietzen George on her 88th birthday:

Request No. 95, by Representative Fund, congratulating the 2010-2011 Holton High School girls' basketball team in recognition for taking first place in the 4A state tournament with a 26-0 season record and also, coach Jon Holliday for being selected Kansas High School girls' coach of the year;

Request No. 96, by Representatives Henderson and Winn, congratulating Chester C. Owens, Jr. on his outstanding service to Youth Build and the dedication of the Chester C. Owens, Jr. Youth Build Skills Training Center, March 25, 2011;

Request No. 97, by Representative Peck, congratulating Grace Irma Cook on her 85th birthday;

Request No. 98, by Representative Goodman, commending Davis and Debbie Moulden and their daughter, Hope Hundley, recognizing 156 years of family ownership and operation of Davis Funeral Chapel, Leavenworth, Kansas;

Request No. 99, by Representative Fawcett, congratulating C. W. Bill Crites and Mary L. Crites on celebrating their 65th wedding anniversary on March 1, 2011;

Request No. 100, by Representative Phelps, commending Hays Police Chief Jim Brown on his retirement after serving 32 years;

Request No. 101, by Representative Kiegerl, commending Blake R. Phelps on receiving a national award from Boy Scouts of America;

Request No. 102, by Representative Schwartz, congratulating the Terry Henry Family for celebrating their Sesquicentennial year in farming in Riley County;

Request No. 103, by Representative Gonzales, congratulating Clayton and Sharon Williams on their 50th wedding anniversary:

Request No. 104, by Representative Mesa, congratulating Fred and Frances Medina on celebrating their 50th wedding anniversary;

Request No. 105, by Representative Goodman, commending Jerry Gerleman, Leavenworth's Unofficial Commissioner of Trash, for his many years of planning,

organizing, and running the annual Spring Clean-up volunteer project in Leavenworth;

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

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

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 97** from the calendar under the heading General Orders and referral to Committee on Appropriations.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 40** from the calendar under the heading General Orders and referral to Committee on Appropriations.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. B. Wolf, the House nonconcurred in Senate amendments to **HB 2105** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kiegerl, B. Wolf and S. Gatewood as conferees on the part of the House.

On motion of Rep. Huebert, the House nonconcurred in Senate amendments to **HB** 2119 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Sloan in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Sloan, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on the ruling of the Rules Chair on **SB 83** regarding the germane issue on the amendment offered by Rep. Kinzer. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 2. following line 30, by inserting:

"New Sec. 2. (a) On and after July 1, 2011, any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court pursuant to K.S.A. 20-3002, and amendments thereto, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office pursuant to K.S.A. 20-3006, and amendments thereto,

or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate.

- (b) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.
- (c) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the 60-day time limitation, the senate shall be deemed to have given consent to such appointment.
- (d) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall commence the duties of office upon appointment and consent, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.
- (e) Any person appointed shall be a person of recognized integrity, character, ability, experience and judicial temperament, to the end that persons serving as judges of the court of appeals will be the best qualified therefor.
- Sec. 3. K.S.A. 2010 Supp. 20-3002 is hereby amended to read as follows: 20-3002. (a) On and after January 1, 2008, through December 31, 2011, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, 2012, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.
- (b) Judges of the court of appeals shall be selectedappointed in the manner provided by K.S.A. 20-3003 through 20-3010section 2, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.
- (c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.
- (d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.
 - Sec. 4. K.S.A. 20-3006 is hereby amended to read as follows: 20-3006. (a) Persons

who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005 and amendments thereto shall commence the duties of office upon appointment, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.

— (b) (1)(a) NotFor judges of the court of appeals holding office on June 30, 2011, Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any such judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall	(Here insert name of judge.)	Judge of the Court of Appeals, be retained in office?"

- (2)(b) If a majority of those voting on the question votes against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for a term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge holding office on June 30, 2011 shall be eligible for retention in office by election in the manner prescribed in this section.
- (3)(c) If a majority of those voting on the question votes against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.
- (4)(d) Election laws applicable to the general election of other state officers shall apply to elections upon the question of retention of judges of the court of appeals pursuant to this section, to the extent that they are not in conflict with and are consistent with the provisions of this aet-section.
- Sec. 5. K.S.A. 20-3010 is hereby amended to read as follows: 20-3010. (a) Any person appointed to the office of judge of the court of appeals pursuant to K.S.A. 20-3009 shall commence upon the duties of his or her office on the date such appointment takes effect, and any person so appointed shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. Any such judge who is so appointed to fill a vacancy or appointed by reason of the expiration of a term of office, shall serve until the second Monday in January following the next general election which occurs after one year in office and shall be eligible to succeed himself or herself be retained in office for a full term of four (4) years as provided in K.S.A. 20-3006, and amendments thereto, for the retention of judges first appointed to the court of appeals.
- (b) If a majority of the votes cast and counted at such election is in favor of retaining such judge in office, he or she the judge shall remain in office for a regular term of four years from the second Monday in January next following such election. Thereafter, such judge shall be subject to retention in office as provided in K.S.A. 20-

3006, and amendments thereto. If a majority of the votes cast and counted at such election is against retaining such judge in office, such judge's position on the court of appeals shall become vacant on the second Monday in January next following the election, and a successor shall be appointed pursuant to K.S.A. 20-3007, 20-3008 and 20-3009 section 2, and amendments thereto. If such judge does not declare his or her such judge's candidacy for election to succeed himself or herself be retained in office, such judge's position on the court of appeals shall be vacant on the second Monday in January next following such election.";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 31, by striking "is" and inserting ", 20-3004, 20-3005, 20-3006, 20-3007, 20-3008, 20-3009 and 20-3010 and K.S.A. 2010 Supp. 20-3002 are";

On page 1, in the title, in line 1, following "retirants;" by inserting "relating to the appointments of court of appeals judge;"; in line 2, by striking "and repealing the existing section" and inserting ", 20-3006 and 20-3010 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009";

Roll call was demanded.

On roll call, the vote was: Yeas 64; Nays 51; Present but not voting: 0; Absent or not voting: 10.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Vickrey, Weber, B. Wolf

Nays: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, S. Gatewood, Goico, Gonzalez, Lane, Mesa, Peck, Ruiz, Tyson.

The motion of Rep. Kinzer prevailed; and SB 83 be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2333** be adopted; also, roll call was demanded on motion of Rep. Flaharty to amend on page 1, by striking all in lines 31 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

On page 9, by striking all in lines 12 through 21;

And by renumbering sections accordingly;

On page 11, in line 38, by striking "K.S.A. 74-4915 and"; also in line 38, by striking the last comma; in line 39, by striking "74-49.205";

On page 1, in the title, in line 3, by striking "benefits;"; in line 5, by striking "K.S.A. 74-4915 and"; also in line 5, by striking the last comma; in line 6, by striking "74-49,205";

On roll call, the vote was: Yeas 38; Nays 78; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Gordon, Grant, Henderson, Henry, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peterson, Phelps, Prescott, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Bollier, Fund, S. Gatewood, Goico, Gonzalez, Mesa, Ruiz, Schwab.

The motion of Rep. Flaharty did not prevail.

Also, on motion of Rep. Suellentrop, **Sub. HB 2333** be amended on page 1, after line 8, by inserting:

"New Section 1. (a) The provisions of sections 1 through 18, and amendments thereto, shall be known and may be cited as the Kansas public employees retirement system defined contribution act, and shall be effective on and after July 1, 2013.

- (b) This act applies to any individual who is: (1) First hired on and after July 1, 2013, by a participating employer and who would otherwise qualify for membership in the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto; and (2) an inactive non-vested member of the Kansas public employees retirement system on June 30, 2013, and who returns to employment with a participating employer on and after July 1, 2013, and who would otherwise qualify for membership in the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto. The individuals described in this subsection are required to become members of the defined contribution plan established under section 3, and amendments thereto.
- (c) This act does not apply to members of the Kansas police and firemen's retirement system, K.S.A. 74-4951 et seq., and amendments thereto, and the retirement system for judges, K.S.A. 20-2601 et seq., and amendments thereto.

New Sec. 2. Unless the context requires otherwise, terms that are used in this act have the meanings set forth for them in K.S.A. 74-4902, and amendments thereto, and the following definitions apply:

- (a) "Act" means the provisions of section 1 et seq., and amendments thereto;
- (b) "active DC plan member" means a DC plan member who is actively employed by a participating employer;

- (c) "defined benefit plan" means the defined benefit plan for the Kansas public employees retirement system for KPERS;
- (d) "DC plan member" means an individual who is required by section 1, and amendments thereto, to be a member of the defined contribution plan, and any individual who elects to transfer to the defined contribution plan under section 8, and amendments thereto. The term also includes any survivor or beneficiary of a DC plan member, who has a retirement account in the defined contribution plan;
- (e) "optional retirement program" means the retirement plan established by the state board of regents under K.S.A. 74-4925, and amendments thereto.
- (f) "plan" or "defined contribution plan" means the defined contribution retirement plan established by section 3, and amendments thereto.
- New Sec. 3. (a) The board shall establish within the Kansas public employees retirement system a separate defined contribution plan in accordance with the provisions of this act. The plan must be established as a pension plan for the exclusive benefit of members and their beneficiaries and as a "qualified governmental plan" pursuant to sections 401(a) and 414(d) of the federal internal revenue code and its implementing regulations. Retirement accounts must be established for each DC plan member. Assets of the plan must be held in trust. The plan is established in addition to any retirement, pension, deferred compensation or other benefit plan administered by the state or a political subdivision.
- (b) The board may contract for plan administration and use a competitive proposal process when contracting for consulting, educational, investment, recordkeeping or other services for the plan.
- New Sec. 4. (a) The board has the powers and shall perform the duties regarding the defined contribution plan as provided in K.S.A. 74-4909, and amendments thereto, as applicable. The board may also exercise the powers and shall perform the duties provided in this act.
- (b) The board shall adopt a plan document and reasonable and necessary policies and procedures, without the need for corresponding rules and regulations.
- (c) The contract for administration of the defined contribution plan shall be awarded through a competitive proposal process.
- New Sec. 5. (a) The board may establish an account within the defined contribution plan for paying the plan's administrative expenses.
 - (b) The board may:
- (1) Assess fees on DC plan member accounts to pay the reasonable administrative costs of the plan; and
- (2) negotiate with a vendor or vendors for vendor reimbursement of board administrative expenses for the plan.
- (c) All fees assessed must be fully disclosed to members and treated as public information.
- (d) Costs for the board to secure investment advice, recordkeeping, contract oversight, educational materials for members, performance evaluations and other appropriate information and services, are included as part of the administrative expenses of the plan.
- New Sec. 6. The statutory provisions governing the defined contribution plan are subject to amendment by the legislature. The board has the power to amend the plan document, policies and procedures, consistent with the statutory provisions governing

the defined contribution plan at the time of the amendment.

- New Sec. 7. (a) This section shall not be implemented until the board has obtained approval from the federal internal revenue service. The board may implement the remainder of this act prior to implementation of this section. This section is severable from the remainder of this act and shall be repealed if the federal internal revenue service refuses to grant such approval or issues an adverse decision.
- (b) Except as otherwise provided in this act, an active member of the defined benefit plan of the system on July 1, 2013, may elect to become a member of the defined contribution plan by making an election within a 90-day period established by the board.
- (c) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.
- (2) A defined benefit plan member failing to make an election prescribed by this section remains a member of the defined benefit plan.
- (3) An election under this section, including the default election pursuant to subsection (c)(2), is a one-time irrevocable election.
- (4) A member who makes an election to transfer to the defined contribution plan shall have such member's employee account balance as of the date of the transfer directly transferred to the defined contribution plan.
- (5) A member who makes an election to transfer to the defined contribution plan shall have no rights of any nature in the defined benefit plan after the transfer.
- (d) A member in either the defined benefit plan or the defined contribution plan who becomes inactive after an election under this section and who returns to active membership remains in the plan previously elected.
- (e) A system member may not simultaneously be a member of the defined benefit plan and the defined contribution plan and shall be a member of either the defined benefit plan or the defined contribution plan. A period of service may not be credited in more than one retirement plan within the system.
- (f) A member of the defined benefit plan who is subject to a domestic relations order or an execution or income-withholding order may not transfer to the defined contribution plan unless the order is modified to apply under the defined contribution plan.
- (g) (1) A member of the defined benefit plan who is purchasing service credit through installment payments, either made directly to the board or pursuant to a payroll deduction agreement, may not transfer membership to the defined contribution plan unless the member first completes the contract for purchase of service credit.
- (2) A member who files an election to transfer membership may make a lump-sum payment for up to the balance of the service credit remaining to be purchased prior to transferring, subject to the limitations of section 415 of the federal internal revenue code. The lump-sum payment, unless made by a rollover, shall be made with after-tax dollars.
- (3) If a member who files an election to transfer membership fails to complete the contract for purchase of service credit by the end of the member's 90-day election window, the board shall terminate the service purchase contract and credit the member with the prorated amount of service credit purchased under the contract.
- New Sec. 8. (a) If a member actively covered by the defined benefit plan on July 1, 2013, is employed by the state board of regents and has previously chosen under K.S.A.

- 74-4911, and amendments thereto, to be a member of the defined benefit plan that member shall not be eligible to elect the defined contribution plan pursuant to this section.
- (b) If a member who is employed by the state board of regents and who is covered by the defined benefit plan on July 1, 2011, elects to remain in the defined benefit plan under section 7, and amendments thereto, and subsequently becomes eligible to make a choice between the defined benefit plan and the optional retirement plan under K.S.A. 74-4911, and amendments thereto, the member may only elect to remain in the defined benefit plan.
- (c) If a member who is employed by the state board of regents who is covered by the defined contribution plan becomes eligible to make a choice between the defined contribution plan and the optional retirement plan under K.S.A. 74-4911, and amendments thereto, the member may elect to remain in the defined contribution plan or become a member of the optional retirement plan.
- (d) Elections made pursuant to this section must be made on a form prescribed by the board and must be made within 90 days of the date of employment.
 - (e) An election under this section is a one-time irrevocable election.
- (f) A member in either the defined contribution plan or the optional retirement program who becomes inactive after an election under this section and who returns to active membership remains in the plan previously elected.
- (g) A regents employee in a position covered under the system may not simultaneously be a member of more than one retirement plan under this act, but must be a member of the defined benefit plan, the defined contribution plan, or the optional retirement program. The same period of service may not be credited in more than one retirement system or plan.
- (h) An election to become a member of the optional retirement program pursuant to this section is a waiver of all rights and benefits under the Kansas public employees retirement system.
- New Sec. 9. The board shall accept the rollover of contributions and the income on those contributions from another eligible retirement plan to the member's rollover account only to the extent allowed under applicable federal law.
- New Sec. 10. (a) A DC plan member's mandatory contribution account includes the DC plan member's contributions and the income on those contributions and is vested from the date that the employee becomes a member of the plan.
- (b) A DC plan member's employer contribution account includes the employer's contributions and the income on those contributions and is vested only when the member has a total of five years of participating service in the defined contribution plan.
- (c) A DC plan member's rollover account includes the member's rollovers of contributions made pursuant to section 9, and amendments thereto, and income on those contributions and are vested from the date that the contribution is credited to the account
- (d) If the DC plan member's employer contribution account is not vested upon termination of plan membership, as provided in this section, the employer contributions and income are forfeited as provided in section 11, and amendments thereto.
- New Sec. 11. (a) An active DC plan member shall contribute 6% of compensation to the defined contribution plan. These contributions shall be picked up by the employer

via a salary reduction as provided in section 414 (h)(2) of the federal internal revenue code.

- (b) A DC plan member may not make voluntary contributions to the defined contribution plan.
- (c) Subject to adjustment by the board as provided in section 12, and amendments thereto, an active DC plan member's employer shall contribute the following:
- (1) Three percent of compensation to the active DC plan member's employer contribution account:
- (2) a percentage of compensation, determined by the board under section 12, and amendments thereto, to the defined benefit plan as the plan funding rate as described in section 12, and amendments thereto;
- (3) a percentage of compensation, determined by the board, must be allocated to the administrative account established by section 5, and amendments thereto; and
- (4) a percentage of compensation, determined by the board, must be allocated to the death and long-term disability plan under K.S.A. 74-4927, and amendments thereto.
- (d) Forfeitures of employer contributions and investment income on the employer contributions may not be used to increase a DC plan member's retirement account. The board shall allocate the forfeitures under section 10, and amendments thereto, to meet the plan's administrative expenses, including startup expenses.
- New Sec. 12. (a) The board shall periodically review the sufficiency of the plan funding rate and shall adjust the amount of contributions under section 11, and amendments thereto, as specified in this section. The board shall collect and maintain the data necessary to comply with this section. The plan funding rate set in section 11, and amendments thereto, must be adjusted as provided in this section and the plan document to actuarially fund the defined benefit plan's unfunded liabilities and the change in the normal cost contribution rate that is the result of the DC plan member participation in the defined contribution plan.
- (b) If the board determines that the plan funding rate should be increased or decreased, the plan funding rate under section 11, and amendments thereto, must be increased or decreased accordingly.
- New Sec. 13. (a) The investment alternatives under the defined contribution plan may be the same as the investment alternatives under the Kansas public employees deferred compensation plan.
- (b) The board shall from time to time review the suitability and management of investment alternatives and may change the alternatives to be offered. The board shall notify affected DC plan members of potential changes before any changes become effective.
- (c) The board shall establish a default investment option for any DC plan member who does not have an effective investment direction. The board may utilize a balanced fund as the default investment fund.
- (d) Assets within each member's accounts must be invested as directed by the member. However, the non-vested portion of the DC plan member's employer contribution account shall be invested in the board's default investment fund.
- New Sec. 14. Except as provided in section 18, and amendments thereto, any time after termination of service, a DC plan member or the DC plan member's beneficiary may terminate plan membership by filing a written application with the board and removing the DC plan member's vested account balance from the plan through any

combination of the following payout options, each of which is subject to the provisions of the plan document and the federal internal revenue code and the applicable regulations of the internal revenue service:

- (a) A direct rollover to an eligible retirement plan;
- (b) a regular rollover to an eligible retirement plan;
- (c) a lump-sum distribution of the DC plan member's vested account balance; or
- (d) an optional form of distribution offered by the board under section 15, and amendments thereto.

New Sec. 15. (a) Subject to the provisions of the plan document, a DC plan member, after termination of service, may leave the DC plan member's vested account balance in the plan, and the DC plan member is eligible for a distribution as provided in this section.

- (b) After termination of service and upon filing a written application with the board, a DC plan member may select any distribution option provided by the plan document.
- (c) A DC plan member who is less than $70 \frac{1}{2}$ years of age who returns to service may not continue to receive a distribution under this section while actively employed in a covered position.
- (d) The plan document shall provide that distributions must comply with the minimum distribution requirements established in the federal internal revenue code and applicable under K.S.A. 74-49,123, and amendments thereto.
- (e) The plan document may specify minimum account balances for purposes of allowing benefit payment options and rollovers in accordance with federal law.

New Sec. 16. A DC plan member's beneficiary must be determined as provided in the defined benefit plan regulations. Upon filing a written application with the board after the death of a DC plan member, the DC plan member's beneficiary is entitled to the DC plan member's vested account balance.

New Sec. 17. Before termination of service, a DC plan member may not receive a refund of any portion of the DC plan member's vested account balance.

New Sec. 18. (a) For the purposes of providing the "insured death benefit" and "insured disability benefit" as prescribed in K.S.A. 74-4927, and amendments thereto, the term "member" as used in K.S.A. 74-4927, and amendments thereto, shall include those members of the Kansas public employees retirement system's defined contribution plan as defined in section 2, and amendments thereto.

- (b) Each participating employer shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe each payroll period an amount sufficient to pay the employer's contribution to the group insurance reserve as provided in subsection (c)(4) of section 11, and amendments thereto.
- (c) Except as otherwise provided, in the event that a DC plan member as defined in section 2, and amendments thereto, becomes eligible for and begins to receive the insured disability benefit prescribed in K.S.A. 74-4927, and amendments thereto, the member's participating employer shall continue to make the contributions on behalf of such individual to the retirement plan as required under subsection (c)(1) of section 11, and amendments thereto, and shall also contribute to the retirement plan an amount equal to the individual's contribution required under subsection (a) of section 11, and amendments thereto, if the DC plan member is permanently and totally disabled as defined in section 72(m) of the federal internal revenue code. Commencing on and after

July 1, 2013, such contributions shall cease at the earlier of: (1) The date that the individual is no longer entitled to an insured disability benefit under K.S.A. 74-4927, and amendments thereto; or (2) the date that is five years after the date the individual becomes eligible for and begins to receive the insured disability benefit prescribed in K.S.A. 74-4927, and amendments thereto. For purposes of applying this subsection, compensation under section 11, and amendments thereto, means the individual's compensation at the time the individual became disabled as defined under the insured disability program prescribed in K.S.A. 74-4927, and amendments thereto.";

And by renumbering remaining sections accordingly;

Also on page 1, in the title, in line 2, after "thereunder;" by inserting "enacting the Kansas public employees retirement system defined contribution act, terms, conditions and requirements, and benefits and contributions; relating to"; and **Sub. HB 2333** be passed as a amended.

Committee report to SB 9 be adopted; and the bill be passed as a amended.

SB 12, SB 24, SB 38 be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 6** be adopted; also, on motion of Rep. Colloton be amended on page 13, in line 11, after the period by inserting: "The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.";

On page 15, in line 29, after the period by inserting: "The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 72 consecutive hours' imprisonment.";

Also, on motion of Rep. Pauls, **H. Sub. for SB 6** be amended on page 7, in line 8, by striking all after "privileges"; in line 9, by striking all before "for"; also in line 9, before the semicolon by inserting "to driving only a motor vehicle equipped with an ignition interlock device":

On page 9, in line 41, by striking "(g)" and inserting "(f)";

On page 10, by striking all in lines 38 through 43;

On page 11, by striking all in lines 1 through 13; in line 14, by striking, "Except as provided in subsecton (b),"

And redesignating remaining subsections accordingly;

On motion of Rep. K. Wolf to amend **H. Sub. for SB 6**, the motion did not prevail. Also, on motion of Rep. Kinzer to amend, the motion did not prevail; and the substitute bill be passed as amended.

On motion of Rep. Hayzlett, **SB 112** be amended on page 1, in line 11, by striking "shall" and inserting "may"; and the bill be passed as a amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfreid pursuant to House Rule 2311, H. Sub. for SB 60; Sub. SB 50; HB 2386, SB 143, SB 83, SB 9, SB 12, SB 24, SB 38; H. Sub. for SB 6; SB 112 were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 60, AN ACT concerning crimes, criminal punishment and procedure; relating to grand juries, relating to appeals; relating to community corrections; relating to house arrest; amending K.S.A. 22-3001 and 22-3601 and K.S.A. 2010 Supp. 12-4509, 22-2410, 75-5291 and 75-52,112 and sections 249-85 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ward.
Present but not voting: None.
Absent or not voting: Bollier, Fund.
The substitute bill passed, as amended.

Sub. SB 50, AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5327, 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5357, 12-5359 and 12-5360, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls,

Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Grosserode, Landwehr, McLeland, Schwab.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The substitute bill passed, as amended.

HB 2386, AN ACT concerning animal shelters; amending K.S.A. 47-1731 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

SB 143, AN ACT concerning postsecondary technical education; creating the postsecondary tiered technical education state aid act; amending K.S.A. 71-601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal,

Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

SB 83, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 57; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfreid, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Brookens, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grange, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

SB 9, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb,

Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

SB 12, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brunk, Kelly, Kiegerl, Knox, Proehl.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed.

SB 24, AN ACT concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613 and 60-1620 and K.S.A. 2010 Supp. 12-5005, 60-1629 and 60-3107 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A. 2010 Supp. 60-1610, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed.

SB 38, AN ACT concerning children; relating to permanency; priority of certain orders; amending K.S.A. 2010 Supp. 38-1116, 38-1121, 38-2201, 38-2203, 38-2262, 38-2284, 38-2304 and 60-1610 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed.

H. Sub. for SB 6, AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-1001, 8-1014, 8-1015, 8-1567, 12-4106 and 75-5291 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy,

Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Bollier, Fund. The substitute bill passed, as amended.

SB 112, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 1; Absent or not voting: 2.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Huebert, Johnson, Kelly, Kerschen, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Brunk, Carlson, Collins, Dillmore, Donohoe, M. Holmes, Howell, Kelley, Kinzer, Kleeb, Lane, O'Hara.

Present but not voting: Kiegerl.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

REPORTS OF STANDING COMMTTEES

Committee on **Federal and State Affairs** recommends **SB 34** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 34," as follows:

"HOUSE Substitute for SENATE BILL NO. 34

By Committee on Federal and State Affairs

"AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713."; And the substitute bill be passed.

(H. Sub. for SB 34 was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 36** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 36." as follows:

"HOUSE Substitute for SENATE BILL NO. 36

By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to licensure of abortion clinics."; and the substitute bill be passed.

(H. Sub. for SB 36 was thereupon introduced and read by title.)

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H. Sub. for SB 176** from the calendar under the heading General Orders and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **SB 14**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 37**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 63**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 101**, requests a conference and has appointed Senators Reitz, Brungardt and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 123**, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to SB 124, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 136**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 170**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to H. Sub. for SB 196, requests a

conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 213**, requests a conference and has appointed Senators Umbarger., Marshall and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 214**, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 14.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

On motion of Rep.. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 37**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub for SB 63**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub for SB 101**.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 123.

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

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 124.

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

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 136.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Burroughs as conferees on the part of the House.

On motion of Rep.. Siegfreid, the House acceded to the request of the Senate for a conference on SB 170.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Burroughs as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 196**.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 213**.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 214**.

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to **HB 2067** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Grant moved that **HB 2002** be withdrawn from Committee on Federal and State Affairs and be placed on the calendar under the order of business General Orders. Also, in accordance with House Rule 1503 (b), that the bill be changed to the first order of business on General Orders.

The Chief Clerk of the House Representatives is requested to read this motion and cause it to be printed in the calendar of March 28, 2011, under the order of business Consideration of Motions and House Resolutions Offered on a Previous Day as provided by House Rule 1309 (b) and 1503 (b).

REPORT ON ENGROSSED BILLS

HB 2336 reported correctly engrossed March 22, 2011.

HB 2028 reported correctly re-engrossed March 22, 2011.

Also, Sub. HB 2221; Sub. HB 2340; HB 2392 correctly engrossed March 23, 2011.

HB 2060 reported correctly re-engrossed March 23, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6012 reported correctly enrolled and properly signed on March 23, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Monday, March 28, 2011.

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Monday, March 28, 2011, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Fund was excused on verified illness.

Reps. Hermanson and Seiwert were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

"Our Father which art in Heaven, hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in heaven." The words of this prayer are so familiar but much harder to accomplish. Give wisdom and insight to our leaders to do Your will-not our own. "Give us this day our daily bread..." Lord, there are many who are depending upon this body to provide all their needs; help us all to remember that our needs come from You. "And forgive us our debts, as we forgive our debtors." We all fall short of who and what we are to be. Just as You forgive us, may we forgive each other. "And lead us not into temptation. But deliver us from evil." The temptation might be to give up, give in, give away or give over. Give us strength to be honest and stand firm to the convictions given by You. "For thine is the Kingdom, and the power, and the glory, forever." Help us to remember that all we do is temporal, but all You do for and in us is eternal. In Christ's Name I pray, Amen. (Matthew 6:9-13)

The Pledge of Allegiance was led by Rep. Johnson.

Kansas Trivia Question – The annual football game between University of Kansas and University of Missouri has been canceled once. What caused the cancellation?

Answer: The game was scheduled for November 23, 1963, the day after President Kennedy was assassinated.

INTRODUCTION OF GUESTS

Rep. Mast introduced members of the Madison High School Class 1 A state championship football team and their coaches. Rep. Mast also presented them with a framed House certificate.

INTRODUCTION OF GUESTS

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

Blake Phelps is 13 years old. This extraordinary young man has performed a significant act of service and heroism for which we are recognizing him today.

At age 11, this typical fifth grade student was on his way home from Wheat Ridge Middle School in Gardner, Kansas when he boarded his school bus. As the bus began to leave to take the children home, his driver stood up from her seat and lost consciousness. This young man jumped up and ran to her aid.

He put on the emergency brake to stop the bus from rolling, then began to administer first aid by placing his back-pack under her legs, checked her pulse, breathing and heart rate. The other 48 children were panicking and the bus erupted into chaos. Blake managed to tell the kids to sit down and be calm. They responded by complying with his request. He knew that he needed to summon help so he picked up the bus radio and called into base informing them of the dire medical situation that they were experiencing. Next he got out his cell phone and called 911. Another bus driver had heard Blake's call go out over the bus radio and came to help. Blake chose another student to assist him by evacuating the children out of the back of the bus. Paramedics and bus personnel arrived at that time to take over the situation as Blake lined the children up on the sidewalk helping to keep them calm.

You may ask how this young child was able to do this while remaining calm. Blake is a member of Boy Scout Troop 88 in Gardner. The motto of Boy Scouts of America is "Be Prepared." One month before he was put to the test, he had become certified in CPR and First Aid by the Red Cross.

We honor him today with this prestigious recognition for his courageous actions.

Rep. Kiegerl presented Blake with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education Budget: **Sub. SB 111**. Energy and Utilities: **SB 227**.

In accordance with House Rule 1507, Speaker O'Neal announced the following bills are stricken from the calendar:

Sub. SB 33; SB 65, SB 85.

MESSAGES FROM THE GOVERNOR

HB 2003, HB 2013, HB 2029, HB 2057, HB 2078, HB 2083, HB 2205 approved on March 25, 2011.

MESSAGES FROM THE SENATE

The Senate nonconcurs in House amendments to **SB 10**, requests a conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 23** requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 55**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 76**, requests a conference and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to SB 125, requests a conference and has appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for Sub. SB 127**, requests a conference and has appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 129**, requests a conference and has appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 134**, requests a conference and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 150**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of SB 229.

The Senate concurs in House amendments to SB 122.

Also, announcing passage of HB 2056, HB 2339.

Announcing passage of HB 2035, as amended; HB 2133, as amended by Senate S. Sub. for HB 2133; HB 2139, as amended; HB 2218, as amended.

Also, announcing passage of SB 142; Sub. SB 159; SB 211.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 142; Sub. SB 159; SB 211, SB 229.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 10.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 23**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 55**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and Mc-Cray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **SB** 61.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 76.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **SB** 77.

Speaker O'Neal thereupon appointed Reps. Brown, Suellentrop and Slattery as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 125.

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for Sub. SB 127.**

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 129**.

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 134.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as

conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 150.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 193.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as conferees on the part of the House.

Speaker O'Neal announced that, in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2149** do materially change its subject and therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2149 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred the bill to Committee on Appropriations.

Speaker O'Neal announced that, in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2251** do materially change its subject and therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2251 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred the bill to Committee on Education.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Grant, in accordance with subsection (b) of House Rule 1309, that **HB 2002** be withdrawn from the Committee on Federal and State Affairs and placed on the calendar under the order of business General Orders, was considered.

Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 71; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Bowers, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, M. Holmes, Kelly, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Peterson, Phelps, Proehl, Roth, Ruiz, Schroeder, Shultz, Slattery, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Hermanson, Seiwert.

The motion did not prevail.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2333, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employee contributions; benefits; sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund; amending K.S.A. 74-4915 and K.S.A. 2010 Supp. 74-4920, 74-49,205 and 75-6609 and repealing the existing sections, was considered on final action

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brown, Bruchman, Brunk, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Smith, Suellentrop, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Billinger, Bollier, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Hermanson, Seiwert.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: I vote yes on **Sub. HB 2333**. The KPER's under-funded bank account issue has been discussed for years with no decisive action. This bill represents an effort to begin meaningful dialogue and work on both short and long-term solutions. This will not be an easy or painless process.

Should we choose to delay meaningful action, the financial stability will only become worse and put all present and future retirees promised pension in peril.

"The difference between a politician and a statesman is: a politician thinks of the next election and a statesman thinks of the next generation." (James Freeman Clarke). — JOHN C. GRANGE, STEVEN C. JOHNSON, MITCH HOLMES

HR 6008, A RESOLUTION opposing the Environmental Protection Agency's regulatory train wreck, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Ruiz, Slattery, Tietze, Victors, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hermanson, Seiwert.

The resolution was adopted, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to S. Sub. for HB 2008 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2010** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2015** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **S. Sub. for HB 2071** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2075** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Grant as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB** 2104 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

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

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as

conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB** 2122 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Bethell, the House nonconcurred in Senate amendments to **HB 2147** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Bethell, Worley and Flaharty as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to **HB** 2182 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **Sub. HB 2191** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Huebert, the House nonconcurred in Senate amendments to **HB** 2195 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert, and Mah as conferees on the part of the House.

On motion of Rep. Huebert, the House nonconcurred in Senate amendments to **HB 2240** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **Sub. HB 2271** and asked for a conference.

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

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Brown as a member of the conference committee on **H. Sub. for SB 101** to replace Rep. Seiwert.

REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **Substitute for SB 72** be amended on page 13, in line 13, by striking "any additional"; also in line 13, by striking "it deems useful in determining"; by striking all in lines 14 and 15; in line 16, by striking "(6) of this subsection,"; and inserting "on"; also in line 16, after "services" by inserting "provided by all telecommunications carriers or other telecommunications service

providers regardless of the technology used to provide service"; in line 17, by striking "changes in"; also in line 17, after "offerings" by inserting "provided by all telecommunications carriers or other telecommunications service providers regardless of the technology used and"; in line 18, by striking "the change in"; in line 19, after "exchanges" by inserting "including, but not limited to, facilities based carriers, commercial mobile radio service or broadband based service providers"; also in line 19, by striking "If the commission finds that the weighted, average rate of"; by striking all in lines 20 through 31;

On page 16, in line 30, by striking "and"; following line 30 by inserting "(D) price cap regulation for lifeline services; and"; in line 31, by striking "(D)" and inserting "(E)":

On page 17, in line 4, after "thereto," by inserting "or high cost support"; also in line 4, after "exchanges" by inserting ", but would remain eligible for KUSF support for Kansas lifeline service program purposes"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **SB 227** be amended on page 1, in line 5, before "Section" by inserting "New";

On page 2, following line 5, by inserting:

- "Sec. 2. K.S.A. 58-2272 is hereby amended to read as follows: 58-2272. (a) Every instrument that conveys any estate or interest created by any lease or easement involving wind or solar resources and technologies to produce and generate electricity shall include:
- (a) (1) A description of the real property subject to the easement and a description of the real property benefitting from the wind <u>or solar</u> lease or easement;
- (b) (2) a description of the vertical and horizontal angles, expressed in degrees, and distances from the site of the wind or solar power system in which an obstruction to the wind or solar system is prohibited or limited;
- (e) (3) all terms or conditions under which the lease or easement is granted or may be terminated, except that if the instrument is recorded under K.S.A. 58-2221, and amendments thereto, any compensation received by the owner of the real property may be excluded: and
 - (d) (4) any other provisions necessary or desirable to execute the instrument.
- (b) No person other than the surface owner of a tract of land shall have the right to use such land for the production of wind or solar generated energy unless granted such right by the lawful owner of the surface estate by lease or easement for a definite period.
- (c) The provisions of subsection (b) shall not apply to any lease or easement filed of record prior to July 1, 2011, with the register of deeds of the county in which the tract is located.
- (d) Nothing in this section shall be construed to affect any otherwise enforceable restriction on the use of any tract of land for the production of wind or solar energy whether or not such restriction is in the form of an easement for a definite term.
 - Sec. 3. K.S.A. 58-2272 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "anemometer towers; relating to required markings"; in line 2, by striking "penalties" and inserting "property; relating to renewable energy; amending K.S.A. 58-2272 and repealing the existing section"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 45** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 45," as follows:

"HOUSE Substitute for SENATE BILL NO. 45

By Committee on Federal and State Affairs

"AN ACT concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713."; and the substitute bill be passed.

(H. Sub. for SB 45 was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2398, AN ACT concerning wildlife; relating to feral swine; amending K.S.A. 2010 Supp. 47-1809 and repealing the existing section, by Committee on Appropriations.

HB 2399, AN ACT concerning Cherokee county; relating to purchases of property and relocation expenses by a state public trust; amending K.S.A. 2010 Supp. 49-514 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. HCR 5026-

By Representatives Ruiz, Goico, Gonzalez and Mesa

A CONCURRENT RESOLUTION outlining the principles of the State of Kansas regarding immigration reform policy.

WHEREAS, Failure to update our federal immigration system separates and destabilizes Kansas communities, and creates uncertainty, inefficiency and an uneven playing field for Kansas' citizens, businesses and economy; and

WHEREAS, Failure to address the system where it can be fixed – at the federal level – has left all states searching for solutions in ways that have been costly and divisive: Now therefore

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature recommends the following basic principles as a guide for state and federal policy on immigration:

- 1. Immigration is a federal policy issue between the United States government and other countries not Kansas and other countries. The Legislature urges the Kansas congressional delegation to take action to create a workable immigration system that upholds our values, our economic needs and moves us forward; and
- 2. the Legislature respects the rule of law and supports law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code; and
- 3. strong families are the foundation of successful communities. The Legislature opposes policies that unnecessarily separate families. The Legislature champions policies that support families and improve the health, education and well-being of all Kansas children; and
 - 4. the Legislature acknowledges the important economic role immigrant Kansans

play as workers, entrepreneurs and taxpayers. The immigration policies of Kansas must affirm its reputation as a welcoming and business-friendly state; and

5. immigration is an important part of our past and our future. As in the past, immigrants are totally integrated into communities across Kansas. We must adopt a humane approach to this reality, reflecting our values, history and spirit of inclusion and cooperation. The way we treat immigrants says a lot about our society being fair and just. Kansas should always be a place that welcomes people of goodwill. Our communities and our future will be best served by doing so; and

Be it further resolved: That the Legislature urgently calls upon the Kansas congressional delegation and the United States Congress to enact thorough, common sense, workable and humane reforms that reflect the realities of our country's workforce needs and represent America's values at its best; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Representatives Ruiz, Goico, Gonzalez and Mesa, and to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Kansas congressional delegation.

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to SB 11, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate

The Senate nonconcurs in House amendments to **SB 115**, requests a conference and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **H. Sub. for SB 6**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **Sub. SB 50**, requests a conference and has appointed Senators Apple, Petersen and Kultala as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for SB 60**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to SB 83, requests a conference and

has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The President announced the appointment of Senator Kelsey as a member of the conference committee on **H. Sub. for SB 101** to replace Senator Brungardt.

The Senate accedes to the request of the House for a conference on **HB 2067** and has appointed Senators Huntington, V. Schmidt and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2105** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2119** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Aging and Long-Term Care and Social Services Budget Committee jointly recommend SB 210 be passed.

Committee on **Appropriations** recommends **HB 2382** be amended on page 5, by striking all in lines 31 through 39;

On page 6, by striking all in lines 1 through 13;

And redesignating the remaining subsections accordingly;

On page 8, following line 6, by inserting the following:

"Roth building repairs.....\$279,449";

Also on page 8, following line 10, by inserting the following:

"Roth building repairs......\$1,883,121";

On page 11, following line 11, by inserting the following:

On page 15, following line 22, by inserting the following:

"(h) In addition to the other purposes for which expenditures may be made by Kansas state university from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the Kansas state university for fiscal year 2011 to negotiate and enter into a lease-purchase agreement with the Kansas state university foundation, which is hereby authorized to be entered into, for a new grain science center feed mill for Kansas state university.";

On page 25, by striking all in lines 23 and 24;

On page 27, in line 25, by striking "\$18,577" and by inserting "\$6,600"; in line 13, by striking "10th" and inserting "tenth day":

On page 29, in line 31, by striking "\$1,000,000" and by inserting "\$150,000"; following line 34, by inserting the following:

"Hatchery improvements\$150,000";

Also on page 31, following line 40, by inserting the following:

"(r) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the

expenditure limitations prescribed therefor:

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012.";

And by relettering the remaining subsections accordingly;

On page 31, in line 23, by striking "\$1,000,000" and by inserting "\$150,000"; following line 24, by inserting the following:

Committee on **Appropriations** recommends **HB 2383** be amended on page 1, following line 27, by inserting:

" Sec. 2.

DEPARTMENT OF EDUCATION

- (a) (1) During the fiscal year ending June 30, 2011, on or before June 1, 2011, the commissioner of education, the director of legislative research and the director of the budget shall jointly determine the amount of moneys that are required to satisfy the maintenance of state financial support provisions of the federal individuals with disabilities education act, as amended, for the fiscal year ending June 30, 2011, based on recent estimates and other available information pertaining thereto, and shall jointly certify the amount so determined to the director of accounts and reports.
- (2) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is more than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency.
- (3) (A) On June 3, 2011, of the \$291,602,545 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the KPERS employer contributions account, the sum determined by the director of accounts and reports as prescribed in subsection (a)(3)(B) is hereby lapsed.
- (B) On or before June 3, 2011, the director of accounts and reports shall determine the sum equal to \$69,201,035 reduced by the amount equal to the amount transferred on June 3, 2011, from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.
- (4) At the same time that such joint certification is transmitted to the director of accounts and reports pursuant to subsection (a)(1), the commissioner of education, the director of legislative research and the director of the budget shall jointly transmit a copy of such certification to the speaker of the house of representatives, the speaker pro tem of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the chairperson of the committee on appropriations of the house of representatives, the chief clerk of the house of

representatives, the president of the senate, the vice-president of the senate, the majority leader of the senate, the minority leader of the senate, the chairperson of the committee on ways and means of the senate and the secretary of the senate.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Special education services aid.....\$21,240,000

- (c) (1) On July 1, 2011, of the \$1,902,775,680 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 56(a) of 2011 Senate Bill No. 2383 from the state general fund in the general state aid account, the sum determined by the director of accounts and reports as prescribed in subsection (c)(2) is hereby lapsed.
- (2) On or before July 1, 2011, the director of accounts and reports shall determine the sum equal to \$21,240,000 reduced by the aggregate of (A) the amount of \$9,322,755 plus (B) the amount equal to the amount transferred on June 3, 2011, from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.
- (d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

KPERS – employer contributions......\$69,201,035

Sec. 3.

ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the abstracters' fee fund of the abstracters' board of examiners is hereby decreased from \$24,088 to \$23.419.

Sec. 4.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the governmental ethics commission fee fund of the governmental ethics commission is hereby decreased from \$291,764 to \$263,176.

Sec. 5.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 11(b) of chapter 165 of the 2010 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from \$35,750 to \$16,800.

Sec. 6.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the board of nursing fee fund of the board of nursing is hereby increased from \$1,904,365 to \$1,952,425.

Sec. 7.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, there is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Provided, That the state board of pharmacy is authorized to apply for and to accept grants and may accept donations, bequests or gifts from any non-federal source: Provided, however, That all moneys received for such grants, donations, bequests or gifts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from this fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Sec. 8.

KANSAS REAL ESTATE COMMISSION

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,123,206 to \$1,028,342.
- (b) On the effective date of this act, the director of accounts and reports shall transfer \$200,000 from the real estate revolving recovery fund to the real estate fee fund for the fiscal year ending June 30, 2011.

Sec. 9.

STATE BOARD OF TECHNICAL PROFESSIONS

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the technical professions fee fund of the state board of technical professions is hereby increased from \$589,122 to \$609,122.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on expenditures for official hospitality from the technical professions fee fund of the state board of technical professions is hereby increased from \$500 to \$1,000.

Sec. 10.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$268,382 to \$265,522.

Sec. 11.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,350,937 from the Kansas endowment for youth fund to the children's initiatives fund.

Sec. 12.

DEPARTMENT OF ADMINISTRATION

- (a) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: *Provided*, That, on or before March 31, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and the chairs of the committee on appropriations of the house of representatives and the committee on ways and means of the senate.
- (2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.

Sec. 13.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) In addition to the other purposes for which expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for the office of administrative hearings as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for official hospitality: *Provided*, That expenditures from the administrative hearings office fund for fiscal year 2011 for official hospitality shall not exceed \$100.

Sec. 14.

CITIZENS' UTILITY RATEPAYER BOARD

- (a) (1) On and after the effective date of this act, notwithstanding the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas or any other statute, no expenditures shall be made for fiscal year 2011 from the utility regulatory fee fund by the citizens' utility ratepayer board of the amount equal to the final aggregate amount of unexpended and unencumbered expenditure authority for fiscal year 2010, pursuant to and as authorized for expenditure for fiscal year 2011 as provided by section 47(c) of chapter 124 of the 2009 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- (2) On and after the effective date of this act, during the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2011 as

authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by section 47(a) of chapter 124 of the 2009 Session Laws of Kansas are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.

Sec. 15.

DEPARTMENT OF COMMERCE

- (a) On the effective date of this act, of the \$307,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 67(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$61,410 is hereby lapsed.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 67(b) of chapter 165 of the 2010 Session Laws of Kansas on the state affordable airfare fund of the department of commerce is hereby increased from \$5,000,000 to \$5,125,000.
- (c) On the effective date of this act, the amount directed by section 67(e) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on December 15, 2010, or as soon thereafter as moneys are available, is hereby decreased from \$625,000 to \$232,482: *Provided*, That, on the effective date of this act, any moneys transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on or after December 15, 2010, pursuant to section 67(e) of chapter 165 of the 2010 Session Laws of Kansas, shall be transferred from the Kansas economic opportunity initiatives fund of the department of commerce to the state economic development initiatives fund by the director of accounts and reports.

Sec. 16.

STATE CORPORATION COMMISSION

- (a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2011, by section 59(b) of chapter 165 of the 2010 Session Laws of Kansas on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from \$16,468,621 to \$16,628,381.
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

(c) On the effective date of this act, the base state registration clearing fund of the

state corporation commission is hereby redesignated as the unified carrier registration clearing fund of the state corporation commission, in accordance with K.S.A. 66-1.139a, and amendments thereto.

(d) On the effective date of this act, the pipeline damage prevention grant program - federal fund of the state corporation commission is hereby redesignated as the one call - federal fund.

Sec. 17.

KANSAS, INC.

(a) On the effective date of this act, of the \$346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 68(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$88,756 is hereby lapsed.

Sec. 18.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 65(b) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2011, is hereby increased from \$70,400,000 to \$70,800,000.

Sec 19

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following: Operations, assistance and grants (including official hospitality)

\$71,426

Sec. 20.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Provided. That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gaming activities: Provided, however, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$5,000 from the state racing fund of the Kansas racing and gaming commission

to the illegal gambling enforcement fund of the Kansas racing and gaming commission.

- (c) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing reimbursable expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (d) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing investigative expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (e) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse fair racing benefit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (f) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing applicant deposit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (g) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse purse fund to the Kansas horse breeding development fund. On June 30, 2011, all liabilities of the horse purse fund are hereby transferred to and imposed on the Kansas horse breeding development fund and the horse purse fund is hereby abolished.
- (h) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the gaming machine examination fund to the expanded lottery act regulation fund. On June 30, 2011, all liabilities of the gaming machine examination fund are hereby transferred to and imposed on the expanded lottery act regulation fund and the gaming machine examination fund is hereby abolished.

Sec. 21.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$124,265 from the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue to the state economic development initiatives fund.

Sec. 22.

SECRETARY OF STATE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$82,010 from the HAVA ELVIS fund of the secretary of state to the democracy fund of the secretary of state to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act. Sec. 23.

STATE TREASURER

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas post secondary education savings program trust fund of the state treasurer is hereby increased from \$265,000 to no limit.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas post secondary education savings program expense fund of the state treasurer is hereby increased from \$346,043 to no limit.
- (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided. That, on the 15th day of each month that commences during fiscal year

2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpaver that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: And provided further. That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further. That the moneys credited to the leariet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50.136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further. That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Sec. 24.

LEGISLATIVE COORDINATING COUNCIL

- (a) On the effective date of this act, of the \$727,436 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative coordinating council operations account, the sum of \$20 is hereby lapsed.
- (b) On the effective date of this act, of the \$3,215,664 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the office of revisor of statutes operations account, the sum of \$2,425 is hereby lapsed.
- (c) On the effective date of this act, of the \$3,684,673 appropriated for the above agency for the fiscal year ending June 30, 2011 by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative research department operations account, the sum of \$12,223 is hereby lapsed.

Sec. 25.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4,413 is hereby lapsed.

Sec. 26.

STATE FINANCE COUNCIL

- (a) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.
- (b) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

Sec. 27.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance\$5,444,990Community based services\$4,263,900Mental health and retardation services aid and assistance\$5,350,166Youth services aid and assistance\$4,413,425

- (b) On the effective date of this act, of the \$541,802 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$250,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the family centered system of care account, the sum of \$150,000 is hereby lapsed.
- (d) On the effective date of this act, of the \$1,400,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the

- 2010 Session Laws of Kansas from the children's initiatives fund in the child care account, the sum of \$163 is hereby lapsed.
- (e) On the effective date of this act, of the \$8,443,161 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet early childhood discretionary grant program account, the sum of \$251,003 is hereby lapsed.
- (f) On the effective date of this act, of the \$3,452,779 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early headstart account, the sum of \$306 is hereby lapsed.
- (g) On the effective date of this act, of the \$11,099,830 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early childhood block grant account, the sum of \$1,062,207 is hereby lapsed.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 77(b) of chapter 165 of the 2010 Session Laws of Kansas on the social welfare fund of the department of social and rehabilitation services is hereby decreased from \$39,303,198 to \$39,186,535.
- (i) On the effective date of this act, of the \$3,822,570 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service new state security hospital account, the sum of \$839,561 is hereby lapsed.
- (j) On the effective date of this act, of the \$2,584,371 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service state hospitals rehabilitation and repair account, the sum of \$7,161 is hereby lapsed.
- (k) On the effective date of this act, of the \$14,342,009 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Osawatomie state hospital operating expenditures account, the sum of \$500,000 is hereby lapsed.
- (I) On the effective date of this act, of the \$4,524,298 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Rainbow mental health facility operating expenditures account, the sum of \$250,000 is hereby lapsed.
- (m) On July 1, 2011, of the \$10,700,783 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 54(a) of 2011 House Bill No. 2383 from the state general fund in the Parsons state hospital and training center operating expenditures account, the sum of \$66,279 is hereby lapsed.
- (n) On the effective date of this act, of the \$10,447,821 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Parson's state hospital and training center operating expenditures account, the sum of \$63,618 is hereby lapsed.
- (o) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

Energy conservation improvement	debt service	\$63,618
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(p) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service.....\$66,279

Sec. 28.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

LTC – medicaid assistance – TCM/FE	\$25,169
LTC – medicaid assistance – HCBS/FE	\$2,263,079
LTC – medicaid assistance – NF	\$10.142.156

- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 75(b) of chapter 165 of the 2010 Session Laws of Kansas on the state licensure fee fund of the department on aging is hereby decreased from \$1,144,569 to \$1,115,927.
- (c) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Health policy nursing facility quality care fund......\$19,501,789

Provided, That the secretary of aging, acting as the agent of the Kansas health policy authority, is hereby authorized to collect the quality care assessment under K.S.A. 2010 Supp. 75-7435, and amendments thereto, and all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: *Provided further*, That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp. 75-7435, and amendments thereto.

Sec. 29.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance.....\$30,526,618

- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the medical programs fee fund of the Kansas health policy authority is hereby increased from \$54,284,610 to \$54,480,402.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the other state fees fund of the Kansas health policy authority is hereby increased from \$0 to \$502,180.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session

Laws of Kansas on the health care access improvement fund of the Kansas health policy authority is hereby decreased from \$37,390,236 to \$34,700,000.

- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the preventive health care program fund of the Kansas health policy authority is hereby increased from \$519,240 to \$656,100.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(b) of chapter 165 of the 2010 Session Laws of Kansas on the health committee insurance fund of the Kansas health policy authority is hereby increased from \$248.575 to \$290.117.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the state workers compensation self-insurance fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$3,724,910 to \$3,785,193: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: *Provided further*, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the cafeteria benefits fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$2,324,247 to \$2,324,908: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the dependent care assistance program fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$226,327 to \$429,628: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the dependent care assistance program fund: *Provided further*; That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
 - (i) There is appropriated for the above agency from the following special revenue

fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Quality care fund.....\$0

Sec. 30.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 32.

KANSAS COMMISSION ON VETERANS AFFAIRS

- (b) On the effective date of this act, of the \$457,394 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures administration account, the sum of \$15,241 is hereby lapsed.
- (c) On the effective date of this act, of the \$1,173,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures veteran services account, the sum of \$26,050 is hereby lapsed.
- (d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas commission on veterans affairs as authorized by section 72 of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas commission on veterans

affairs from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 for medicare billing software: *Provided*, That the aggregate amount of such expenditures for fiscal year 2011 for medicare billing software shall not exceed \$20,000.

(e) On the effective date of this act, the director of accounts and reports shall transfer \$25,000 from the scratch lotto – veterans services account of the state general fund to the Vietnam war era veterans' recognition award fund of the Kansas commission on veterans affairs: *Provided*, That, in addition to the other purposes for which expenditures may be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, expenditures shall be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, to acquire and send the appropriate medallions and certificates to all qualifying veterans whose applications for such medallions and certificates have been received by June 1, 2011.

Sec. 33.

DEPARTMENT OF EDUCATION

- (a) On the effective date of this act, of the \$1,961,339,680 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$85,948,820 is hereby lapsed.
- (b) On the effective date of this act, of the \$7,539,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the parent education program account, the sum of \$180,370 is hereby lapsed.
- (c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the Pre-K program account, the sum of \$119,630 is hereby lapsed.
- (d) During the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the department of education from the special education services aid account of the state general fund for fiscal year 2011 for special education services aid as authorized by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 2010 Supp. 72-998, and amendments thereto, or any other statute, the department of education shall make expenditures from the special education services aid account of the state general fund for fiscal year 2011 for a payment to each school district, as defined by K.S.A. 72-962, and amendments thereto, that received an amount of medicaid replacement state aid for the 2010-2011 school year that was more than \$300,000 less than the amount of medicaid replacement state aid received for the 2009-2010 school year due to the loss of attendant care medicaid revenue from the Kansas health policy authority for school year 2010-2011: Provided, That the amount of such payment shall be equal to (1) the amount by which the medicaid replacement state aid received by the school district for the 2009-2010 school year is greater than the total of the medicaid replacement state aid for the 2010-2011 school year plus \$300,000, minus (2) the total received by the school district for increases in other medicaid reimbursements for the 2010-2011 school year: Provided further. That each such payment shall be made from the amount designated by

the state board of education pursuant to K.S.A. 2010 Supp. 72-998, and amendments thereto, for medicaid replacement state aid for the 2010-2011 school year.

Sec. 34.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the standardized water data repository fund to the state water plan fund. On the effective date of this act, all liabilities of the standardized water data repository fund are hereby transferred to and imposed on the state water plan fund and the standardized water data repository fund is hereby abolished.

Sec. 35.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 36

KANSAS STATE SCHOOL FOR THE BLIND

- (a) On the effective date of this act, of the \$5,385,207 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 82(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,509 is hereby lapsed.
- (b) On July 1, 2011, of the \$5,223,858 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 58(a) of 2011 House Bill No. 2383 from the state general fund in the operating expenditures account, the sum of \$31,979 is hereby lapsed.
- (c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

Energy conservation improvement debt service.....\$30,509

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service......\$31,979

Sec. 37.

KANSAS STATE SCHOOL FOR THE DEAF

- (a) On the effective date of this act, of the \$8,890,257 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$64,243 is hereby lapsed.
- (b) On July 1, 2011, of the \$8,658,861 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 59(a) of 2011 House Bill No. 2383 from the state general fund in the operating expenditures account, the sum of \$66,520 is hereby lapsed.
- (c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

Energy conservation improvement debt service......\$63,850

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service......\$66,520

Sec. 38.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures.....\$472,709

- (b) On the effective date of this act, of the \$13,700,482 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of \$3,500,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$13,084,057 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Topeka correctional facility facilities operations account, the sum of \$200 is hereby lapsed.
- (d) On the effective date of this act, of the \$8,308,154 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility facilities operations account, the sum of \$500 is hereby lapsed.
- (e) On the effective date of this act, of the \$38,326,136 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Lansing correctional facility facilities operations account, the sum of \$500 is hereby lapsed.
- (f) On the effective date of this act, of the \$12,936,609 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility facilities operations account, the sum of \$442 is hereby lapsed.
- (g) On the effective date of this act, of the \$5,301,602 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Norton correctional facility facilities operations account, the sum of \$991 is hereby lapsed.
- (h) On the effective date of this act, of the \$3,088,303 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 132(b) of chapter 165 of the 2010 Session Laws of Kansas from the correctional institutions building fund in the capital improvements rehabilitation and repair of correctional institutions account, the sum of \$374,471 is hereby lapsed.

Sec. 39.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$23,331,916 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 96(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$3,336,312 is hereby lapsed.

- (b) On the effective date of this act, of the \$4,000,013 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 133(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service Topeka complex and Larned juvenile correctional facility account, the sum of \$2,411 is hereby lapsed.
- (c) On the effective date of this act, of the \$87,682 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 157(a) of chapter 131 of the 2008 Session Laws of Kansas from the state institutions building fund in the raze Atchison juvenile correctional facility maintenance building account, the sum of \$3,148 is hereby lapsed.
- (d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2012, the following:

Prevention and graduated sanctions community grants.....\$2,000,000

Sec. 40.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$2,478,091 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 135(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the debt service – rehabilitation and repair of the statewide armories account, the sum of \$3,960 is hereby lapsed.

Sec. 41

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,393,582 to \$1,518,582.

Sec. 42.

STATE FIRE MARSHAL

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the fire marshal fee fund of the state fire marshal is hereby decreased from \$3,629,360 to \$3,626,625.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$52,509 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 43.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the \$510,135 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 99(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$982 is hereby lapsed.

Sec. 44.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) On June 30, 2011, the director of accounts and reports shall transfer \$500,000

from the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas commission on peace officers' standards and training fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 104(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training is hereby decreased from \$650,005 to \$549,246.

Sec. 45.

KANSAS DEPARTMENT OF AGRICULTURE

- (a) On the effective date of this act, the director of accounts and reports shall transfer \$3,081 from the state highway fund of the department of transportation to the water structures state highway fund of the Kansas department of agriculture.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water structures state highway fund of the Kansas department of agriculture is hereby increased from \$104,832 to no limit.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water appropriation certification fund of the Kansas department of agriculture is hereby increased from \$553,868 to no limit.

Sec. 46.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

- (a) On the effective date of this act, of the \$74,264 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of \$12,698 is hereby lapsed.
- (b) On the effective date of this act, of the \$36,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$7,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$18,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of \$4,000 is hereby lapsed.
 - (d) In addition to the other purposes for which expenditures may be made by the

above agency from the parks fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$70,950

(e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$378,400

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$23,650

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$260,000

Sec. 47.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, the following:

Sec. 48.

STATE CONSERVATION COMMISSION

- (a) On the effective date of this act, the appropriation for the above agency for the fiscal year ending June 30, 2011, by section 108(d) of chapter 165 of the 2010 Session Laws of Kansas of any unencumbered balance in the conservation reserve enhancement program account of the state water plan fund is hereby lapsed.
- Sec. 49. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any professional or trade associations membership fees or dues or

subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 50.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following: Meth lab cleanup

For the fiscal year ending June 30, 2011 \$150,000

Provided, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

For the fiscal year ending June 30, 2012.....\$450,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further,* That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

Sec. 51. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

- (2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: Provided, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: Provided further. That the secretary of administration shall ensure that such reductions to the rate of compensation

- of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further,* That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further,* That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.
- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;
- (3) "compensation" means any salary or per diem compensation provided by law for a state officer.
- Sec. 52. (a) On July 1, 2012, of the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by 2011 House Bill No. 2283, or by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for fiscal year 2012 for payment of longevity bonus payments pursuant to K.S.A. 75-5541, and amendments thereto, and including the additional amount of longevity bonus payment as provided in subsection (b) of section 86 of 2011 House Bill No. 2383, the amount equal to the amount

budgeted for fiscal year 2012 in each such account of the state general fund for such longevity bonus payments, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

- Sec. 53. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.
- (b) As used in this section "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.";

On page 2, following line 1, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 2, following line 2, by inserting the following:

"Provided, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 2, in line 14, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 2, in line 18, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 3, in line 29, by striking "\$8,940,664" and inserting "\$9,287,622"; in line 35, before the period by inserting ": *And provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general

fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 3, in line 36, by striking "\$9,343,800" and inserting "\$9,699,702"; in line 42, before the period by inserting ": *And provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

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

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 4, following line 36, by inserting the following:

"Provided, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 5, in line 9, before the period by inserting ": And provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance":

Also on page 5, in line 17, before the period by inserting ": And provided further, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 5, in line 33, before the period by inserting ": And provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance":

Also on page 5, in line 40, before the period by inserting ": And provided further, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such

remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance".

On page 6, in line 10, before the period by inserting ": Provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 6, in line 14, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 6, in line 27, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 6, in line 32, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 7, in line 2, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 7, in line 7, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 8, following line 21, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 8, following line 22, by inserting the following:

"Provided, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance."

Also on page 8, following line 33, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 8, following line 34, by inserting the following:

"Provided, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 8, in line 43, by striking "\$2,043,011" and inserting "\$2,068,954";

On page 9, in line 3, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 9, in line 5, by striking "\$2,058,430" and inserting "\$2,109,810";

Also on page 9, in line 8, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance":

Also on page 9, in line 29, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 9, in line 33, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 10, in line 3, before the period by inserting ": Provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance"; in line 8, before the period by inserting ": Provided further, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 11, in line 15, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 11, in line 19, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 11, in line 34, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 11, in line 38, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 12, in line 32, before the period by inserting ": And provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 12, in line 43, before the period by inserting ": And provided further, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this

fund the amount equal to the amount credited to the state general fund from such remittance":

On page 13, in line 24, before the period by inserting ": *Provided further*, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 13, in line 29, before the period by inserting ": *Provided further*, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

On page 14, following line 23, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 14, following line 24, by inserting the following:

"Provided, That, during the fiscal year 2013, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 16, in line 9, by striking "21.00" and inserting "24.00"; in line 10, by striking "21.00" and inserting "24.00"; in line 42, by striking "\$697,024" and inserting "\$653,344":

On page 17, in line 4, by striking "\$3,303,783" and inserting "\$3,523,783"; in line 9, by striking "\$3,053,798" and inserting "\$3,153,798";

On page 21, in line 7, by striking "\$2,059,139" and inserting "\$2,396,726";

On page 25, by striking all in lines 18 through 31;

On page 28, by striking all in lines 9 through 32;

On page 29, by striking all in line 8; following line 43, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 33, in line 8, by striking all before "the" and inserting "the state treasurer shall not certify and the director of accounts and reports shall not transfer any moneys from the state general fund to the Kansas postsecondary education savings program trust fund during";

On page 35, in line 23, by striking "20% of"; in line 24, by striking all after "deposit"; in line 25, by striking "remainder of each such deposit"; in line 32, by striking all after "Kansas"; by striking all in lines 33 through 43;

On page 36, by striking all in lines 1 through 8; in line 9, by striking all before the period;

On page 39, in line 38, before "from" by inserting "may be made"; in line 39, by striking "shall not exceed \$500";

On page 40, following line 32, by inserting the following:

"(c) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2010 Supp. 20-3207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$778,518 from the judicial performance fund of the Kansas judicial council to the judicial branch surcharge fund of the judicial branch: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the judicial performance fund as prescribed by law.";

On page 41, in line 24, by striking "\$293,073" and inserting "\$200,000";

On page 42, in line 22, by striking "\$107,795,833" and inserting "\$101,251,259";

On page 43, following line 32, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 43, following line 35, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 43, following line 43, by inserting the following:

(c) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2010 Supp. 28-177, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$778,518 from the judicial branch surcharge fund of the judicial branch to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the judicial branch surcharge fund of the judicial branch to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the judicial branch surcharge fund of the judicial branch to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll,

personnel and purchasing services and any other governmental services which are performed on behalf of the judicial branch by other state agencies which receive appropriations from the state general fund to provide such services.";

On page 45, following line 27, by inserting the following:

"Sec. 90.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed \$150: Provided further, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: Provided further, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: And provided further, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the annual banquet fund

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: Provided further, That the executive director is hereby authorized to fix, charge and collect fees for such programs: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, shall be credited to the education and training fund.":

On page 45, following line 35, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such

remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 46, in line 11, before the period by inserting ": And provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance";

Also on page 46, by striking all in line 26;

On page 47, in line 9, before "day" by inserting "tenth"; following line 18, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 49, following line 30, by inserting the following:

"(g) Notwithstanding the provisions of K.S.A. 66-1,142b, and amendments thereto, or any other statute, to the contrary, all moneys received from civil penalties charged and collected by the state corporation commission under the motor carrier act and other laws relevant to motor carriers shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the state general fund.";

Also on page 49, by striking all in lines 39 through 43;

On page 50, by striking all in lines 1 through 5;

And by redesignating subsections accordingly:

Also on page 50, in line 26, by striking "\$879,108" and inserting "\$897,108"; in line 36, by striking "\$2,063,983" and inserting "\$1,397,772";

On page 67, following line 1, by inserting the following:

"(r) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 for operating expenditures to provide for the use of state credit cards for official travel by state officers and employees and to determine the amount of savings for fiscal year 2012 from the amounts contained in the authorized budgets for state agencies attributable to travel rewards, including hotel or motel award points, airline frequent flyer miles, and any other promotional discounts received for official travel by state employees using state credit cards: *Provided*, That, during the fiscal year 2012, notwithstanding the provisions of any statute to the contrary, whenever a state officer or employee of any state agency incurs any expense for official travel such state officer or employee shall pay for such expense with a state credit card whenever possible:

Provided further, That the amount equal to the aggregate of any savings realized from the implementation of the provisions of this subsection in each account of the state general fund of each state agency for the year ending June 30, 2012, as determined and certified by the director of the budget to the director of accounts and reports, is hereby lapsed: And provided further, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2012 by this subsection shall not exceed \$300,000: And provided further, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(s) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 for operating expenditures to determine the amount of the approved budget for each state agency for expenditures for cellular phone use by state officers and employees of the state agency during fiscal year 2012 and the amount budgeted for such purpose in each account of the state general fund and each special revenue fund of the state agency as authorized by this or other appropriation act of the 2011 regular session of the legislature: Provided, That, prior to July 1, 2011, the director of the budget, after consultation with the director of legislative research, shall determine the amount equal to 50% of the amount in each such account of the state general fund and each such special revenue fund appropriated for the fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature that is budgeted for such purpose, and shall certify the amount so determined for each such account of the state general fund and the amount so determined for each such special revenue fund to the director of accounts and reports: Provided further, That, on July 1, 2011, the amount certified for each such account of the state general fund pursuant to this subsection is hereby lapsed: And provided further. That the expenditure limitation established for each such special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, or the amount that is budgeted for such purpose if no expenditure limitation is established for such special revenue fund, is hereby decreased by the amount certified for such special revenue fund pursuant to this subsection: And provided further. That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.":

Also on page 67, following line 28, by inserting the following:

"(c) In addition to the other purposes for which expenditures may be made by the state court of tax appeals, from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the state court of tax appeals from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of establishing the court of tax appeals study commission: *Provided*, That nine members of the commission shall be the director of

budget, speaker of the house of representatives or designee, president of the senate or designee, minority leader of the senate or designee, minority leader of the house of representatives or designee, executive director of the court of tax appeals or designee, and three members of the business community appointed by the governor: *Provided further*, That the commission shall study the "loser-pay" system.";

On page 83, following line 8, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance."

Also on page 83, in line 18, by striking "\$5,000,000" and inserting "\$0"; following line 18, by inserting the following:

"Provided, That, the regional economic area partnership, hereinafter referred to as "REAP", shall submit an annual report to the legislature on or before May 1, 2012: Provided further, That the annual report shall be delivered and REAP shall appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding such annual report: And provided further, That the secretary of commerce shall conduct an independent review of the financial reports submitted by REAP as well as an analysis of the data used by REAP: And provided further, That the secretary of commerce shall submit a report and appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding these matters: And provided further, That the secretary of commerce shall develop and implement the necessary procedures to conduct such a review.";

On page 84, in line 43, by striking "Upon":

On page 85, by striking all in lines 1 through 4; in line 28, by striking "\$423,989" and inserting "\$425,989":

On page 86, following line 2, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.";

Also on page 86, following line 4, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

Also on page 86, following line 14, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such

remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance."

On page 87, by striking all in lines 12 through 32;

On page 89, in line 3, by striking "\$399,353" and inserting "No limit"; in line 4, by striking "\$158,647" and inserting "No limit"; in line 6, by striking "\$102,497" and inserting "No limit"; in line 7, by striking "\$190,000" and inserting "No limit"; following line 20, by inserting the following:

- "(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$288,000 to no limit.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$270,000 to no limit.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$188,000 to no limit.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$360,000 to no limit.
- (g) (1) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 73-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (2) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 73-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (3) As used in this subsection (g), "special revenue fund" means the soldiers' home fee fund, veterans' home fee fund, soldiers' home outpatient clinic fund, soldiers' home

benefit fund, soldiers' home work therapy fund, veterans' home canteen fund, soldiers' home canteen fund, veterans' home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

- (h) During the fiscal year ending June 30, 2011, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2011 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (i) During the fiscal year ending June 30, 2012, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2012 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.":

On page 91, by striking all in line 28 and inserting "hereby reappropriated for fiscal year 2012. Any unencumbered balance in";

On page 98, following line 15, by inserting the following:

"(m) On July 1, 2011, the amount in each account of the state general fund that (1) is appropriated by this act for fiscal year 2012 for the department of health and environment - division of health, (2) is not budgeted in such account for federal matching or maintenance of effort requirements for fiscal year 2012, as determined by the secretary of health and environment, and (3) is certified to the director of accounts and reports by the secretary of health and environment, be lapsed pursuant to this subsection: Provided, That, prior to July 1, 2011, the secretary of health and environment shall determine the specific amounts in specific accounts of the state general fund that (A) are appropriated by this act for fiscal year 2012 for the department of health and environment – division of health, (B) are not budgeted or required for federal matching or to meet maintenance of effort requirements for fiscal year 2012, as determined by the secretary of health and environment, and, (C) are equal, in the aggregate, to 15% of the aggregate of all amounts appropriated by this act from the state general fund for fiscal year 2012 for the department of health and environment division of health and that are not budgeted or required for federal matching or to meet maintenance of effort requirements for fiscal year 2012, as determined by the secretary

of health and environment: *Provided further*, That, on July 1, 2011, the secretary of health and environment shall certify to the director of accounts and reports the specific amounts in the specific accounts of the state general fund for fiscal year 2012 to be lapsed, as determined by the secretary in accordance with this proviso: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall lapse each such amount in each such account of the state general fund for fiscal year 2012 as specified in such certification: *And provided further*, That, at the same time as such certification is submitted to the director of accounts and reports, the secretary of health and environment shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.":

On page 100, following line 36, by inserting the following:

- "(d) During the fiscal year ending June 30, 2012, notwithstanding the provisions of this or any other appropriation act of the 2011 regular session of the legislature, or any other statute, no moneys appropriated for the department of health and environment – division of health care finance from the state general fund or from any special revenue fund or funds for fiscal year 2012 shall be expended by the division of health care finance of the department of health and environment for the purposes of requiring, and the division of health care finance of the department of health and environment shall not require, an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2012: Provided, That all prescriptions paid for by the MediKan program during fiscal year 2012 shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: Provided further, That the division of health care finance of the department of health and environment shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for fiscal year 2012: And provided further, That the department of health and environment shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, to implement or maintain a preferred drug formulary for medications prescribed for mental health purposes to individuals in the MediKan program during fiscal year 2012.
- (e) The division of health care finance of the department of health and environment, in consultation with the department of revenue, shall design and implement a process for the fiscal year ending June 30, 2012, to verify the income eligibility for each recipient of each income based program operated by the division of health care finance of the department of health and environment: Provided, That income based programs include, but are not limited to, the Title XIX medicaid program and Title XXI children's health insurance program: Provided further, That this verification process shall include the confirmation of the income level reported for tax purposes with the department of revenue and information provided by the recipient to the division of health care finance of the department of health and environment or its contractors or designees: And provided further. That the division of health care finance of the department of health and environment shall make expenditures, not to exceed \$50,000, from the state general fund or any special revenue fund, to enter into a contract with a private audit firm or other qualified entity to provide audit services to review the findings of income and tax verification process implemented by the division of health care finance of the department of health and environment and the department of revenue.

(f) Notwithstanding the provisions of K.S.A. 75-6501 et seg., and amendments thereto, or any other statute, there is hereby established and imposed a 5% surcharge on the amount of the employee payroll deduction by state employees for participation in the state health care benefits program pursuant to K.S.A. 76-6506, and amendments thereto, for the plan year commencing January 1, 2012, in accordance with this subsection: Provided, That the surcharge shall be applied to the amount required for the participation of the state employee for the coverages and other elections under the state health care benefits program for plan year 2012 that are selected by the state employee: Provided further. That the amount of the surcharge shall be added to the amount otherwise required for participation in accordance with the state employee selections and the resulting aggregate amount shall constitute the amount of the payroll deduction under K.S.A. 76-6506, and amendments thereto, for the state employee; And provided further, That, prior to June 10, 2012, the director of health care finance of the department of health and environment shall certify the aggregate amount of all proceeds of such surcharge for fiscal year 2012 to the director of accounts and reports: And provided further, That, on June 10, 2012, pursuant to such certification, the director of accounts and reports shall transfer the aggregate amount of the proceeds collected for the surcharge for fiscal year 2012 from the health benefits administration clearing fund - remit to admin service org fund of the division of health care finance of the department of health and environment to the state general fund: And provided further. That such surcharge shall be imposed for the purpose of reimbursing the state general fund for support relating to operation and maintenance of the state health care benefits program.";

On page 104, following line 1, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 105, in line 25, before "day" by inserting "tenth";

On page 106, following line 21, by inserting the following:

"(k) On July 1, 2011, the amount in each account of the state general fund that (1) is appropriated by this act for fiscal year 2012 for the department of health and environment – division of environment, (2) is not budgeted in such account for federal matching or maintenance of effort requirements for fiscal year 2012, as determined by the secretary of health and environment, and (3) is certified to the director of accounts and reports by the secretary of health and environment, be lapsed pursuant to this subsection: *Provided*, That, prior to July 1, 2011, the secretary of health and environment shall determine the specific amounts in specific accounts of the state general fund that (A) are appropriated by this act for fiscal year 2012 for the department of health and environment – division of environment, (B) are not budgeted or required for federal matching or to meet maintenance of effort requirements for fiscal year 2012, as determined by the secretary of health and environment, and, (C) are equal, in the aggregate, to 15% of the aggregate of all amounts appropriated by this act from the state general fund for fiscal year 2012 for the department of health and environment – division of environment and that are not budgeted or required for federal matching or to

meet maintenance of effort requirements for fiscal year 2012, as determined by the secretary of health and environment: *Provided further*, That, on July 1, 2011, the secretary of health and environment shall certify to the director of accounts and reports the specific amounts in the specific accounts of the state general fund for fiscal year 2012 to be lapsed, as determined by the secretary in accordance with this proviso: *And provided further*, That upon receipt of such certification, the director of accounts and reports shall lapse each such amount in each such account of the state general fund for fiscal year 2012 as specified in such certification: *And provided further*, That, at the same time as such certification is submitted to the director of accounts and reports, the secretary of health and environment shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(I) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of health and environment – division of environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of seeking a solution to clean up the sewer water contamination problems in certain property in the city of Eudora.";

On page 108, in line 20, by striking all following "expenditures";

Also on page 108, by striking all in lines 21 through 27; in line 28, by striking all before the period; in line 38 by striking all following "expenditures"; by striking all in lines 39 through 43;

On page 109, by striking all in lines 1 through 2; in line 3, by striking all before the period;

On page 111, in line 12, by striking "Quality" and inserting "Health policy nursing facility quality"; in line 17, before "quality" by inserting "health policy nursing facility"; in line 18, before "quality" by inserting "health policy nursing facility";

On page 113, in line 43, by striking "\$114,872,589" and inserting "\$108,178,960";

On page 114, in line 11, by striking all following "management"; in line 13, by striking "\$3,226,535" and inserting "\$3,065,208"; in line 18, by striking "\$157,722,798" and inserting "\$163,797,154";

On page 116, in line 5, by striking "\$1,500,000" and inserting "\$1,425,000"; in line 12, by striking "\$110,598,576" and inserting "\$105,565,039"; in line 17, by striking "\$6,353,021" and inserting "\$6,035,370"; in line 31, by striking "\$47,126,525" and inserting "\$46,261,250"; in line 36, by striking "\$87,975,495" and inserting "\$87,975,370"; in line 41, by striking "\$127,912,590" and inserting "\$120,385,590";

On page 117, in line 3, by striking "\$2,500,000" and inserting "\$2,375,000";

On page 119, following line 28, by inserting the following:

"Provided, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance.":

On page 121, by striking all in lines 36 through 39;

On page 122, by striking all in lines 8 through 21 and inserting the following:

Provided. That any unencumbered balance in the early head start account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.";

On page 126, in line 43, by striking "\$1,902,775,680" and inserting "\$1,890,858,435";

On page 127, in line 33, by striking "\$2,435,171" and inserting "\$2,487,458"; in line 35, by striking "\$319,861,685" and inserting "\$389,062,720";

On page 136, in line 35, following "program" by inserting ": Provided further, That, during the fiscal year 2012, whenever the above agency remits an amount of moneys to the state treasurer for deposit in the state treasury and 20% of such remittance is credited to the state general fund and the remainder of such remittance is credited to this fund, the state treasurer shall transfer from the state general fund to this fund the amount equal to the amount credited to the state general fund from such remittance":

On page 153, in line 26, following "training" by inserting "program";

On page 159, in line 21, following "training" by inserting "and"; On page 163, in line 2, by striking "\$11,087,963" and inserting "\$5,543,982";

On page 169, by striking all in lines 1 through 11; in line 23, by striking "\$16,498,912" and inserting "\$16,998,912"; in line 40, by striking "\$46,958,764" and inserting "\$47,708,764":

On page 174, following line 27, by inserting the following:

During the fiscal years ending June 30, 2011, and June 30, 2012, all expenditures made by the department of corrections from the correctional industries fund shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.";

Also on page 174, in line 32, by striking "\$3,434,087" and inserting "\$3,376,089";

On page 175, in line 25, by striking "\$20,683,874" and inserting "\$19,183,874";

On page 177, following line 40, by inserting the following:

"(1) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2012, the following:

Prevention and graduated sanctions community grants\$2,000,000

Provided, That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.";

On page 182, in line 10, by striking "\$3,626,627" and inserting "\$3,545,879";

On page 184, in line 17, by striking "\$31,122,379" and inserting "\$31,984,379";

On page 187, in line 33, before "of" by inserting "tenth day"; in line 43, by striking "\$650,000" and inserting "\$266,750";

On page 188, in line 35, by striking "\$8,190,099.75" and inserting "\$8,405,599.75";

On page 189, in line 21, by striking "\$14,894,872" and inserting "\$15,388,542";

On page 196, in line 4, by striking "\$560,588" and inserting "\$566,088"; in line 23, following "thereto" by inserting ": And provided further, That, during fiscal year 2012, notwithstanding the provisions of any other statute, expenditures may be made by the above agency from moneys appropriated in the operating expenditures account of the state general fund or any special revenue fund of the above agency for fiscal year 2012 to allow 100% grant-funded projects relating to stream bank stabilization and to allow

lakes to be under the multi- purpose small lakes program if the lake is used for two of the following purposes: flood control, public water supply storage or recreation, notwithstanding the provisions of any other legislative enactment: *And provided further*, That, as used in the preceding proviso, "special revenue fund" means the land reclamation fee fund, watershed protect approach/WTR RSRCE MGT fund, buffer participation incentive fund, or NRCS contribution agreement 2002 farm bill – federal fund":

On page 198, following line 20, by inserting the following:

"Watershed protect approach/WTR RSRCE MGT fund	No limit
NRCS contribution agreement 2002 farm bill – federal fund	No limit
Licensing online transition fund.	\$0

Provided, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2012.

Grain warehouse inspection fund\$75,000

Provided, That, during the fiscal year ending June 30, 2012, the Kansas department of agriculture shall make every effort to ensure services performed in the grain warehouse inspection program will not be compromised by budget reductions for the fiscal year ending June 30, 2012.

Feral swine eradication fund	\$175,000
Livestock market reporting fund	\$20,000
Compliance education fee fund	\$250,000

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: Provided further, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: And provided further, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.":

On page 200, in line 15, before "fund" by inserting "fee"; in line 16, before "fund" by inserting "fee"; in line 29, before "fund" by inserting "fee"; in line 30, before "fund" by inserting "fee";

On page 202, in line 15, before the period, by inserting ": And provided further, That expenditures from this account for contractual technical expertise and non-salary administration expenditures of the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0 % of the budgeted amount for fiscal year 2012 for the water resources cost share account"; in line 35, before the period, by inserting ": Provided further, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the Kansas department of agriculture";

Also on page 202, in line 41, before the period, by inserting ": *Provided further*, That, on July 1, 2011, the amount of the remaining encumbered balance of moneys

encumbered for fiscal year 2009 in the lake restoration account under contract in the water supply restoration program as of June 30, 2011, shall be released from such encumbrance for fiscal year 2009 and the amount equal to such encumbered balance is hereby appropriated for the above agency for fiscal year 2012 for the installation of an alternative public water supply solution for Washington county rural water district no. 1";

On page 203, in line 5, before the period, by inserting ": *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2012 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives";

Also on page 203, in line 31, by striking "\$459,816" and inserting "\$514,816"; in line 34, before the period, by inserting ": *Provided further*, That the above agency shall make expenditures of \$55,000 from the interstate water issues account for fiscal year 2012 for streamgage monitoring in western Kansas to ensure that Colorado is complying with the Arkansas river compact";

On page 204, following line 19, by inserting the following:

- "(g) On July 1, 2011, the director of accounts and reports shall transfer \$75,000 from the state water plan fund to the grain warehouse inspection fund of the Kansas department of agriculture.
- (h) On July 1, 2011, the director of accounts and reports shall transfer \$175,000 from the state water plan fund to the feral swine eradication fund of the Kansas department of agriculture.
- (i) On July 1, 2011, the director of accounts and reports shall transfer \$20,000 from the state water plan fund to the livestock market reporting fund of the Kansas department of agriculture.":

On page 206, in line 30, by striking "\$286,100" and inserting "\$374,710";

On page 207, in line 2, by striking "\$652,141" and inserting "\$563,531";

On page 209, in line 8, by striking "\$3,450,713" and inserting "\$3,462,690":

On page 210, in line 39, by striking "\$25,963,543" and inserting "\$26,003,543";

On page 213, by striking all in lines 2 through 4; in line 5, by striking "(d)" and inserting "(c)":

On page 214, in line 18, by striking "\$290,618,595" and inserting "\$287,895,559";

On page 216, in line 25, by striking "comprehensive transportation program" and inserting "T-WORKS"; in line 26, by striking "68-2314a" and inserting "68-2314b"; in line 34, after "amount" by inserting "shall be considered to be a loan for which repayment shall commence after the fiscal year ending June 30, 2012, and";

On page 217, following line 2, by inserting the following:

"(j) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 2010 Supp. 68-2320, 68-2321, 68-2328 or 68-2331, and amendments thereto, the provisions of K.S.A. 74-8901 et seq., and amendments thereto, or any other statute, no expenditures shall be made by the department of transportation from moneys appropriated from the state highway fund or any other special revenue fund of the department of transportation for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature to issue, to request issuance or to otherwise provide for the issuance of any revenue bonds or any other bonds for any purpose for

fiscal year 2012, and no bonds shall be issued by the Kansas development authority for the department of transportation for fiscal year 2012, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.";

Also on page 217, in line 10, by striking "131.38" and inserting "109.38"; in line 12, by striking "44.50" and inserting "46.50"; in line 22, by striking "17.00" and inserting "18.00"; in line 23, by striking "7.00" and inserting "4.00"; following line 23, by inserting the following:

Also on page 217, in line 25, by striking "4.00" and inserting "6.00";

On page 218, in line 12, by striking "197.00" and inserting "209.0"; in line 13, by striking "13.00" and inserting "14.00"; in line 18, by striking "19.00" and inserting "21.00";

On page 222, in line 28, by striking "\$5,785,830" and inserting "\$10,785,830";

On page 239, following line 42, by inserting the following:

"Sec. 159 (a) On and after July 1, 2011, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2012, from the state general fund by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any professional or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any amount budgeted from each account of the state general fund of each state agency for the year ending June 30, 2012, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 160. (a) (1) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other

than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

- (3) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (b) On June 12, 2011, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer. as defined by this section, is hereby reduced by 7.5% for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: Provided. That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: Provided further, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2012 have been implemented: And provided further, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: And provided further, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 10, 2012.
- (c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem

compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after June 12, 2011, which are chargeable to fiscal year 2012 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;
- (3) "compensation" means any salary or per diem compensation provided by law for a state officer.
- (a) (1) On July 1, 2011, of the amount appropriated or reappropriated for Sec. 161. the fiscal year ending June 30, 2012, in each account of the state general fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law. for state employees with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed: *Provided*, That the lapse provided for in this subsection (a)(1) shall not apply to any appropriation or reappropriation for fiscal year 2012 in any account of the state general fund of any state agency in the legislative branch or judicial branch of state government.
- (2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages,

including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

- (3) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state water plan fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (b) On June 12, 2011, notwithstanding the provisions of K.S.A. 75-2935b, 75-2935c or 75-2938, and amendments thereto, or any other statute, the rate of compensation for each state employee with annual compensation of \$100,000 or more, as defined by this section, is hereby reduced by 7.5% for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state employee with annual compensation of \$100,000 or more, as defined by this section, subject to the provisions of this section for the fiscal year 2012 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 10, 2012.
- (c) On July 1,2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation of \$100,000 or more, as defined by this section, for all payroll periods commencing on or after June 12, 2011, which are chargeable to fiscal year 2012 for such special revenue fund, as

determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided*, That the expenditure limitation decrease provided for in this subsection (c) shall not apply to the appropriation of the moneys in any special revenue fund for fiscal year 2012 of any state agency in the legislative branch or judicial branch of state government.

- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;
- (3) "compensation" means any salary or per diem compensation provided by law for a state employee with annual compensation of \$100,000 or more, as defined by this section; and
- (4) "state employee with annual compensation of \$100,000 or more" means an employee of a state agency within the executive or judicial branch of state government who has an annual rate of compensation that is equal to or more than \$100,000 for fiscal year 2011 and who is not a state officer, as defined by this section, and is not an employee of the legislative research department or the office of revisor of statutes within the legislative branch of state government.
- Sec. 162. (a) (1) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to the percentage determined under subsection (a)(4) of the amount so determined is hereby lapsed: *Provided*, That the lapse provided for in this subsection (a)(1) shall not apply to any appropriation or reappropriation for fiscal year 2012 in any account of the state general

fund of any state agency in the legislative branch or judicial branch of state government. (2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to the percentage determined under subsection (a)(4) of the amount so determined is hereby lansed

- (3) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state water plan fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to the percentage determined under subsection (a)(4) of the amount so determined is hereby lapsed.
- For the purpose of ascertaining the percentage to be applied in lapsing appropriations for the state general fund, state economic development initiatives fund or the state water plan fund in subsection (a)(1), subsection (a)(2) and subsection (a)(3), the director of the budget, in consultation with the director of legislative research, shall determine the appropriate resulting equivalent percentage for each such fund to apply for purposes of the lapse prescribed by subsection (a)(1), subsection (a)(2) or subsection (a)(3) of a portion of each amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund, state economic development initiatives fund or the state water plan fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, of such state agency for which a reduction in the rate of compensation is determined and imposed by subsection (b). After making each such determination for each lapse of appropriations from the state general fund, state economic development initiatives fund and the state water plan fund, the director of the

budget shall certify the percentage determined which shall be applied for each such lapse to the director of accounts and reports.

- (b) (1) On June 12, 2011, notwithstanding the provisions of K.S.A. 75-2935b, 75-2935c or 75-2938, and amendments thereto, or any other statute, the rate of compensation for each state employee with annual compensation between \$40,000 and \$100,000, as defined by this section, is hereby reduced by the percentage determined under subsection (b)(2) for the first payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012; *Provided*. That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state employee with annual compensation between \$40,000 and \$100,000 who is subject to the provisions of this section for the fiscal year 2012 have been implemented: And provided further. That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: And provided further. That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 10, 2012.
- (2) For each state employee with annual compensation between \$40,000 and \$100,000, as defined by this section, the rate of compensation of such state employee with annual compensation between \$40,000 and \$100,000 that is reduced under subsection (b)(1) shall be reduced by the percentage reduction determined by the director of the budget, in consultation with the director of legislative research, in accordance with the following: The rate of compensation shall be the rate mathematically determined by ranking all such state employees with annual compensation between \$40,000 and \$100,000, by the respective rates of compensation, in a smooth, ascending line compared with a smooth, ascending line of percentages commencing with 0% corresponding to \$40,000 and ending with 7.5% corresponding with \$100,000. After making such determination, the director of the budget shall certify the percentage determined for each such executive branch employee, that receives compensation at an annual rate of compensation of more than \$40,000 but less than \$100,000, to the secretary of administration.
- (c) (1) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to the percentage determined under subsection (c) (2) of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, for all payroll periods commencing on or after June 12, 2011, which are chargeable to fiscal year 2012 for payment from such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided*, That the expenditure limitation decrease provided for in this subsection (c)(1) shall not apply to the appropriation of the moneys in any special revenue fund for fiscal year 2012 of

any state agency in the legislative branch or judicial branch of state government.

- (2) For the purpose of ascertaining the percentage to be applied in decreasing expenditure limitations or the budgeted amounts of expenditures for the fiscal year ending June 30, 2012, under subsection (c)(1), the director of the budget, in consultation with the director of legislative research, shall determine the appropriate resulting equivalent percentage for each such special revenue fund to apply for the purpose of decreasing the expenditure limitation of each such special revenue fund for the fiscal year ending June 30, 2012, or, if the moneys in the special revenue fund are appropriated for the fiscal year ending June 30, 2012, with no expenditure limitation. then to decrease the approved budget of expenditures pursuant to subsection (c)(1) for such special revenue funds for the fiscal year ending June 30, 2012, of each state agency, as established by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state employees with annual compensation between \$40,000 and \$100,000, as defined by this section, of such state agency for which a reduction in the rate of compensation is determined and imposed by subsection (b). After making each such determination for such decreases in expenditure limitations or in the authorized budgeted amounts of expenditure the director of the budget shall certify the percentage determined which shall be applied to decrease the expenditure limitation or in the approved budget for each such special revenue fund to the director of accounts and reports. At the same time that each such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.
- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas:
- (3) "compensation" means any salary or per diem compensation provided by law for a state employee with annual compensation between \$40,000 and \$100,000, as defined by this section; and

- (4) "state employee with annual compensation between \$40,000 and \$100,000" means an employee of a state agency within the executive or judicial branch of state government who has an annual rate of compensation that is more than \$40,000 but less than \$100,000 for fiscal year 2011 and who is not a state officer, as defined by this section, and is not an employee of the legislative research department or the office of revisor of statutes within the legislative branch of state government.
- Sec. 163. (a) During the fiscal year ending June 30, 2012, all moneys budgeted for salaries, wages, compensation and associated employer's contributions for any position of any state agency, under the approved budget for which appropriations from the state general fund or any special revenue fund or funds of the state treasury are made by this or other appropriation act of the legislature, shall be expended for such salaries, wages, compensation and associated employer's contributions for full-time equivalent positions: *Provided*, That such appropriations from the state general fund or any special revenue fund or funds in the state treasury shall not be expended for other purposes in such state agency's budget unless specifically authorized by appropriation act or other act of the legislature.
- (b) On June 30, 2012, the unencumbered balance in any state general fund account budgeted for expenditures for salaries, wages, compensation and associated employer's contributions for full-time equivalent positions shall be lapsed: *Provided*, That the director of the budget, after consultation with the director of legislative research, shall determine and certify to the director of accounts and reports the specific amounts in the specific accounts of the state general fund for fiscal year 2012 to be lapsed in accordance with this subsection: *Provided further*, That upon receipt of such certification, the director of accounts and reports shall lapse each such amount in each such account of the state general fund for fiscal year 2012 as specified in such certification: *And provided further*, That, at the same time as such certification is submitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.
- Sec. 164. (a) Prior to July 1, 2011, the director of the budget shall determine, after consultation with the director of legislative research, the amount appropriated or reappropriated from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in each account of the state general fund for each state agency for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, that is equal to 10% of the approved budget for expenditure from each account of the state general fund, as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology project, and the amount so determined for each such account of the state general fund for fiscal year 2012 shall be certified by the director of the budget to the director of accounts and reports: Provided, That, on July 1, 2011, after receipt of such certification, the director of accounts and reports shall lapse the amount certified for each such account of the state general fund for fiscal year 2012 as specified in such certification: Provided, however, That the lapse provided for in this subsection (a) shall not apply to any appropriation or reappropriation for fiscal year 2012 in any account of the state general fund of any state agency in the legislative branch or judicial branch of state government and the aggregate amounts that are not lapsed pursuant to this subsection may be expended for fiscal year 2012 by such state agency in the legislative branch or

judicial branch of state government for other programs or other personnel costs of such state agency, but shall not be expended for fiscal year 2012 for any such information technology project: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(b) For the fiscal year ending June 30, 2012, the director of the budget, after consultation with the director of legislative research, shall determine the aggregate amount of moneys in each special revenue fund that is appropriated for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, for each state agency for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, that is equal to 10% of the approved budget for expenditure from each such special revenue fund, as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209. and amendments thereto, and the amount so determined for such information technology projects shall be certified by the director of the budget to the director of accounts and reports: Provided, That, on July 1, 2011, after receipt of such certification, the director of accounts and reports shall decrease the expenditure limitation established for each such special revenue fund by this or other appropriation act of the 2011 regular session of the legislature for fiscal year 2012 as specified in such certification or, if there is no expenditure limitation established for such special revenue fund, then, on July 1, 2011, the director of accounts and reports shall decrease the amount that is budgeted for such information technology projects from such special revenue fund by the amount certified in accordance with such certification for such special revenue fund: Provided, however, That the expenditure limitation decrease or the approved budget decrease provided for in this subsection (b) shall not apply to any appropriation of the moneys in any special revenue fund for fiscal year 2012 of any state agency in the legislative branch or judicial branch of state government and the aggregate amounts that are not expenditure limited pursuant to this subsection (b) may be expended for fiscal year 2012 by such state agency in the legislative branch or judicial branch of state government for other programs or other personnel costs of such state agency, but shall not be expended for fiscal year 2012 for any such information technology project: Provided further. That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.":

And by renumbering the sections accordingly;

On page 240, in line 34, by striking "23" and inserting "74";

On page 241, in line 30, by striking "23" and inserting "74"; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2393** be amended on page 2, following line 29, by inserting the following:

"New Sec. 2. (a) No longevity bonus payment shall be paid by any state agency to any state officer or employee who has a service anniversary on or after June 12, 2011.

(b) As used in this section, "state officer or employee" includes any state officer or employee in the classified or unclassified service under the Kansas civil service act and any other state officer or employee in state service.";

And by renumbering sections accordingly;

Also on page 2, in line 31, after "after" by inserting "June 12, 2011, and"; in line 32, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, after "bonus" by inserting "payments"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2124 reported correctly re-engrossed March 23, 2011.

Also, HB 2386 reported correctly engrossed March 24, 2011.

Also, Sub. HB 2333 reported correctly engrossed March 25, 2011.

REPORT ON ENGROSSED RESOLUTIONS

HR 6008 reported correctly engrossed March 25, 2011.

REPORT ON ENROLLED BILLS

HB 2023, HB 2027, HB 2030 reported correctly enrolled, properly signed and presented to the Governor on March 25, 2011.

REPORT ON ENROLLED RESOLUTIONS

HCR 5009 reported correctly enrolled and properly signed on March 28, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Tuesday, March 29, 2011.

Journal of the House

FIFTIETH DAY

Hall of the House of Representatives, Topeka, KS, Tuesday, March 29, 2011, 10:00 a.m.

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

The roll was called with 122 members present.

Reps. Fund, Kiegerl and Lane were excused on verified illness.

Prayer by guest chaplain, the Rev. Barry Feaker, Executive Director, Topeka Rescue Mission, and guest of Rep. S. Gatewood:

Our Great and Glorious Creator God,

We come to You this morning with gratefulness in our hearts for the many blessing You have given to each of us who live in this great nation called the United States of America and this great state at the heart of our nation called Kansas.

We thank You for our rich inheritance of freedom and the opportunity for prosperity we have been granted from Your Divine providence and by those who have come before us with commitment, determination, compassion and sacrifice.

Today we come to You with sincere humility in our hearts understanding that events that are unfolding in our world, nation and state are complex and uncertain.

When we consider earthquakes, tsunamis, potential nuclear meltdowns and wars on many fronts our challenges may appear minuscule in comparison.

However, we know that from the single mother who is struggling to put food on the table to those who have lost jobs and possibly their homes, their tsunami are here, real and now.

Great God, I pray for the men and women of this House. That these servants of Yours, divinely appointed and elected by the people, be granted great wisdom and understanding.

May these humble servants be known by those who come after them as men and women of courage, commitment, compassion, character and sacrifice.

May the decisions that will be made in this House on this day reflect Your heart and Your purpose for the citizens of Kansans, for the present and for the future.

May all who lead this great state be found faithful in their love

for God and their love for their neighbor.

In Your great, loving and holy Name we pray, Amen.

The Pledge of Allegiance was led by Rep. Finney.

Kansas Trivia Question – The first international horseshoe pitching contest open to all was held in 1909 and won by Frank Jackson of Blue Mound. What Kansas town hosted the event?

Answer: Bronson

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources Budget: HB 2398.

Appropriations: SB 229.

Corrections and Juvenile Justice: Sub. SB 159. Federal and State Affairs: HB 2399; HCR 5026.

Health and Human Services: SB 211.

Judiciary: SB 142.

MESSAGES FROM THE GOVERNOR

HB 2001, HB 2023, HB 2030, HB 2038, HB 2258 approved on March 28, 2011.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 6**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and Mc-Cray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on Sub. SB 50.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 60**.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 83.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. HR 6019-

By Representatives Knox, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION in memory of Howard L. Sell.

WHEREAS, Howard L. Sell, 93, a lifelong resident of Fredonia, passed away on January 18, 2011. A former Kansas legislator, he served the 28th District as a member of the House of Representatives from 1961 to the special session of 1964. His committee assignments included membership on Assessment and Taxation; Judicial Apportionment; Mines and Mining, where he served as chairman from 1963 to 1964; Public Utilities; Legislative Apportionment and Cities of the Second Class; and

WHEREAS, Mr. Sell was born September 16, 1917 in Fredonia, the son of Irv and May Myers Sell. He graduated from Fredonia High School in 1935 and from the College of Emporia in 1939. Following graduation, he worked for Kansas Electric Power Company for two years; and

WHEREAS, Mr. Sell served his country during World War II in the Army Air Corps from 1941 to 1946. He participated in the Rhineland and Central Europe campaigns with an ordnance unit of the 9th Air Force. He was awarded the Soldier's Medal in 1945 for bravery involving black market activity at a supply depot in Belgium; and

WHEREAS, After returning from military service, Mr. Sell was employed as the manager of Radiant Electric Cooperative in Fredonia from 1947 until his retirement in 1982. In 1975, he founded and became the first president of KEPCo, a bulk power supplier and services provider to rural electric cooperatives in Kansas. During his time as president, Mr. Sell was involved in the negotiations and discussions that led to KEPCo's purchase of part of the Wolf Creek Nuclear Generating Station in Coffey County. He was also involved in KEPCo obtaining hydroelectric power from the Southwestern Area Power Administration and the Western Area Power Administration. KEPCo still has access to this hydroelectric power today; and

WHEREAS, Mr. Sell was active in civic and community affairs. He served three terms as Fredonia's finance commissioner. He was a charter member of Fredonia Jaycees in 1948, the Fredonia Rotary Club in 1951, the Fredonia Arts Council in 1967 and a member of the American Legion. Mr. Sell was a longtime and active member of the Fredonia First United Methodist Church. He also served on the board of directors of the First National Bank in Fredonia from 1965 until his death; and

WHEREAS, The Boy Scouts held a special place in the heart of Mr. Sell. He

devoted much of his life to volunteering in the organization. In 1959 the National Council of the Boy Scouts of America recognized his great contributions to the organization by presenting him with the prestigious Silver Beaver Award. Recipients of the Silver Beaver Award are registered adult leaders who have made an impact on the lives of youth through service given to the council. The Silver Beaver Award is given to individuals who implement the Scouting program and perform community service through hard work, self sacrifice, dedication and many years of service; and

WHEREAS, Mr. Sell was united in marriage with Arlene Fink in 1943. She preceded him in death in 1979. He later married Betty Kathryn Russell in 1981. She preceded him in death in 1999. Mr. Sell is survived by two children, Philip Sell of Topeka and Nancy Sell Johnson of Fredonia, four grandchildren and eight great-grandchildren; and

WHEREAS, Mr. Sell will be remembered for his lifelong commitment to public service and for his great work which helped deliver electricity to rural Kansans: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we honor former Representative Howard L. Sell for his professional accomplishments and for his service to his country, his community and to the state of Kansas, and we extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send two enrolled copies of this resolution to Representative Knox.

HOUSE RESOLUTION No. HR 6020-

By Representatives Kuether, Alford, Hineman, C. Holmes, Knox and Swanson

A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.

WHEREAS, Residents of this state living in rural areas deserve and expect the same high-quality, affordable communications services that are available to their urban neighbors; and

WHEREAS, Similar to businesses in urban areas, rural businesses, farmers and ranchers compete in the global marketplace and depend on affordable access to robust broadband services to market and sell their products around the world; and

WHEREAS, Children living in rural areas should have the same educational opportunities as their urban counterparts, and high-speed internet access is absolutely necessary to allow these students opportunities for advanced learning through distance education: and

WHEREAS, Residents living in rural areas face unique health care challenges because of the distances that must be traveled to seek basic and advanced medical care, and telemedicine delivered via broadband networks can improve the health of rural residents by reducing the time and travel needed for high-quality health care; and

WHEREAS, Many rural areas encounter significant challenges in pursuing and sustaining economic development plans that bring quality, higher-paying jobs to their communities, and insufficiently robust broadband speeds will further hamper the economic development needs of many rural communities; and

WHEREAS, The United States Department of Agriculture has rightfully placed significant importance on the need for broadband access in rural America to improve quality-of-life and economic development; and

WHEREAS, Communications providers that serve this state's rural areas have worked diligently to ensure that their consumers have access to affordable and reliable broadband services and have utilized the United States Department of Agriculture's Rural Utilities Service loan and grant programs for economic development; and

WHEREAS, Contrary to the progress rural communications providers have had in deploying broadband, the Federal Communications Commission is embarking on a National Broadband Plan that will negatively impact the ability of residents living in rural areas of this state to realize the true benefits of access to robust broadband speeds by limiting support to four megabits per second in rural, high-cost areas of the country, while calling for one hundred million urban homes to have access to broadband speeds at 100 megabits per second by 2020; and

WHEREAS, The National Broadband Plan runs counter to the federal universal service policy which ensures access to communications services at comparable rates regardless of the consumer's location: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we challenge the Federal Communications Commission to make substantive change to the National Broadband Plan so that the plan develops a universal service support mechanism that ensures accountability, promotes stability, provides efficient and effective incentives for broadband network deployment and operation and encourages broadband adoption by keeping broadband service affordable. The plan should also ensure high-quality service by linking funding to satisfying reasonable, but meaningful, carrier of last resort obligations. Consistent with the universal service principles in federal law, the plan should ensure that rural and urban consumers pay reasonably comparable rates for reasonably comparable services by providing adequate support in high-cost areas; and

Be it further resolved: That we urge the members of the Kansas Congressional Delegation to work with the Federal Communications Commission to ensure that commissioners understand the importance of robust broadband deployment to rural Kansas and how the current draft of the National Broadband Plan needs to be dramatically altered to ensure quality broadband service availability throughout this state; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the commissioners of the Federal Communications Commission, the members of the Kansas Congressional Delegation and the Governor.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to **HB 2035**, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Kuether, Loganbill, Mah, McCray-Miller, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Lane.

On motion of Rep. Brown, the House concurred in Senate amendments to **HB 2125**, AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, DeGraaf, Grosserode, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, Patton, Rubin, Scapa, Smith, Tyson, Ward

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Lane.

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **S. Sub. for HB 2133** and asked for a conference.

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

On motion of Rep. Suellentrop to concur in Senate amendments to **Sub. HB 2134**, Rep. Brown offered a substitute motion to nonconcur and asked that a conference committee be appointed. The substitute motion prevailed.

Speaker O'Neal thereupon appointed Reps. Brown, Suellentrop and Slattery as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB** 2139 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Grant as conferees on the part of the House.

On motion of Rep. M. Holmes, the House nonconcurred in Senate amendments to S. Sub. for HB 2194 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. M. Holmes, Grange and Ruiz as conferees on the part of the House.

On motion of Rep. Brunk to concur in Senate amendments to **HB 2218**, Rep. Loganbill offered a substitute motion to nonconcur and asked that a conference committee be appointed.

Roll call was demanded.

On roll call, the vote was: Yeas 23; Nays 99; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bollier, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Kuether, Loganbill, Mah, McCray-Miller, Ruiz, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Worley.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Lane.

The motion did not prevail.

The question then reverted back to the original motion of Rep. Brunk and the House concurred in Senate amendments to **HB 2218**, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section.

On roll call, the vote was: Yeas 94; Nays 28; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl,

Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Aurand, Ballard, Bollier, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Lane.

On motion of Rep. Schwab, the House concurred in Senate amendments to **HB 2067**, AN ACT concerning elections; amending K.S.A. 25-2208a, 25-2203, 25-2352 and 25-3203 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 25-3104, 25-3107 and 65-2418 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 111; Nays 11; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Finney, Flaharty, Henderson, Kuether, Loganbill, McCray-Miller, Ruiz, Shultz, Victors, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Lane.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 11.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 115.

Speaker O'Neal thereupon appointed Reps. Burgess, Kleeb and Trimmer as conferees on the part of the House.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **Sub. SB 111** from Committee on Education Budget and referral to Committee on Appropriations.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Rhoades in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to SB 80 be adopted; and the bill be passed as amended.

Committee report to **SB 93** be adopted; also, on motion of Rep. McCray-Miller to amend, Rep. Smith rose on a point of order stating that the amendment hadn't been handed in before Rep. McCray-Miller was recognized. The Rules Chair reminded the members that all amendments need to be turned in to the clerks prior to being recognized. The question reverted back to the motion of Rep. McCray-Miller, which did not prevail.

Also, on motion of Rep. Smith, **SB 93** be amended on page 3, in line 42, by striking "attorney general" and inserting "Kansas human rights commission";

On page 5, in line 12, by striking "of" and inserting "on";

Also, on further motion of Rep. Smith, **SB 93** be amended on page 4, in line 30, preceding the semicolon, by inserting "received the training required in subsection (c) (2)(A)":

On page 5, in line 42, preceding "data" by inserting "whether or not the governing body or sheriff has included":

On further motion of Rep. Smith, **SB 93** be amended on page 3, in paragraph (6), by striking "Kansas human rights commission" and by inserting "Kansas commission on peace officers' standards and training":

And further amending **SB 93**, as amended by House Committee (corrected), on page 5, in line 5, by striking "human rights"; also in line 5, after "commission" by inserting "on peace officers' standards and training"; in line 10, by striking all after the period; by striking all in lines 11, 12 and 13;

Also, on motion of Rep. Patton, **SB 93** be amended on page 5, in line 5 before "the" by inserting "the law enforcement agency. The complainant may also file a complaint with":

Also, on motion of Rep. McCray-Miller to amend SB 93, the motion did not prevail and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education Budget Committee** recommends **SB 21** be amended on page 6, following line 24, by inserting:

"Sec. 4. K.S.A. 2010 Supp. 72-8254 is hereby amended to read as follows: 72-8254. In order to achieve uniform reporting of expenditures by school districts in school district budgets, districts shall report expenditures in the manner required by the state board.

(a) This section shall be known and may be cited as the Kansas uniform financial

accounting and reporting act.

- (b) As used in this section:
- (1) "Reporting system" means the uniform reporting system, including a uniform chart of accounts, developed by the state board as required by this section.
 - (2) "School district" means any school district in the state.
 - (3) "State board" means the state board of education.
- (c) The state board shall develop and maintain a uniform reporting system for the receipts and expenditures of school districts. The accounting records maintained by each school district shall be coordinated with the uniform reporting system. Each school district shall record the receipts and expenditures of the district in accordance with a uniform classification of accounts or chart of accounts and reports as shall be prescribed by the state board. Each school district shall submit such reports and statements as may be required by the state board. The state board shall design, revise and direct the use of accounting records and fiscal procedures and prescribe uniform classifications for receipts and expenditures for all school districts. The reporting system shall include budgetary and proprietary (real) accounts. The state board shall prescribe the necessary forms to be used by school districts in connection with such uniform reporting system.
- (d) The reporting system developed by the state board shall be developed in such a manner that allows school districts to record and report any information required by state or federal law.
- (e) The reporting system shall provide records showing by funds, accounts and other pertinent classifications, the amounts appropriated, the estimated revenues, actual revenues or receipts, the amounts available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand and the unencumbered balances of allotments or appropriations for each school district.
- (f) The reporting system shall allow a person to search the data and allow for the comparison of data by school district.
- (g) As part of the uniform reporting system established pursuant to this section, each school district shall annually submit a report to the state board on the receipts and expenditures of the activity fund accounts and the construction fund accounts of such school district. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.
- (h) From and after July 1, 2012, the board of education of each school district shall record and report the receipts and expenditures of the district in the manner prescribed by the state board in accordance with this section.
- (i) Each school district shall annually publish on such district's internet website a copy of form 150, estimated legal maximum general fund budget, or any successor document containing the same or similar information, that was submitted by such district to the state board of education for the immediately preceding school year. A copy of such document shall also be annually published by the department of education on its internet website. Publications pursuant to this subsection shall be conducted in such manner as to make the document readily accessible to the public.
- (j) The department of education shall annually publish on its internet website the following expenditures for each school district on a per pupil basis: (1) Total expenditures; (2) capital outlay expenditures; (3) bond and interest expenditures; and (4) all other expenditures not included in (2) or (3).";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 25, by striking "and" and inserting a comma; also in line 25, after "72-6451" by inserting "and 72-8254";

On page 1, in the title, in line 2, before "amending" by inserting "enacting the Kansas uniform financial accounting and reporting act;"; also in line 2, by striking "and" where it appears the first time and inserting a comma; also in line 2, after "72-6451" by inserting "and 72-8254"; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 116** from Committee on Taxation and referral to Committee on Government Efficiency.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **SB 143**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2008** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2010** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2015** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2071** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2104** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2118** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2147** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2182** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2191** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on HB 2195 and has

appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2271** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 143.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Rhoades in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **Sub. HB 2178** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2229** be adopted; also, on motion of Rep. Gregory to amend, the motion was withdrawn.

Also, roll call was demanded on motion to recommend **Sub. HB 2229** favorably for passage.

On roll call, the vote was: Yeas 69; Nays 49; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bollier, Bowers, Brookens, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kerschen, Kuether, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Pottorff, Proehl, Roth, Ruiz, Ryckman, Schroeder, Slattery, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Lane, Peterson, Phelps, Sloan.

The motion prevailed, and Sub. HB 2229 be passed.

Committee report to **HB 2087** be adopted; also, on motion of Rep. Brookens be amended on page 2, after line 16 by inserting:

"Sec. 6. Nothing in this act shall be construed to disapprove of or abrogate any

appellate decision previously rendered by the supreme court of Kansas.";

And by renumbering the remaining section accordingly; and **HB 2087** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2161** be adopted; also, on motion of Rep. Siegfreid be amended on page 1, by striking all in lines 6 through 36; By striking all on page 2:

On page 3, by striking all in lines 1 through 21;

And by renumbering sections accordingly;

Also on page 3, in line 26, after "provided," by inserting "a retailer in this state may choose that"; also in line 26, after "sales" by inserting "in this state"; in line 27, after "the" by inserting "place of business of the retailer in this state and sourced to such location, or at the"; in line 29, by striking "79-3669" and inserting "79-3670"; in line 30, by striking ", modular homes, manufactured homes or mobile homes,"

On page 4, by striking all in lines 34 through 43;

On page 5, by striking all in lines 1 through 18;

And by renumbering sections accordingly;

Also on page 5, in line 19, by striking "and 79-3669 are" and inserting "is";

On page 1, in the title, in line 3, by striking "and 79-3669"; also in line 3, by striking "sections" and inserting "section";

Also, on motion of Rep. Powell, **Sub. HB 2161** be amended on page 5, after line 18, by inserting the following:

- "Sec. 5. K.S.A. 2010 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act: (a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301 and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817 and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02 and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;
- (b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposes to engage in the business, or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;
- (c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private

elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418 and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing. equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption

certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued. the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615 and amendments thereto:

- (f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;
- (g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft:
- (h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;
- (i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;
- (j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;
- (k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;
- (l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603 and amendments thereto;
- (m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;
- (n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services:
- (o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

- (p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body:
- (q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;
- (r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body:
- (s) except as provided in K.S.A. 2010 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;
- (t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. "Farm machinery and equipment" includes precision farming

equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery:

- (u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;
- (v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;
- (w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b Second through Sixth. As used in this paragraph, "severing" shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;
- (x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006:
- (y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;
- (z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418 and amendments thereto;
 - (aa) all sales of materials and services applied to equipment which is transported

into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

- (bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;
- (cc) all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115 and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615 and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50.114 and amendments thereto:
- (dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;
- (ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas:
- (ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202 and amendments thereto:
- (gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;
- (hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit

intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

- (ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;
- (jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;
- (kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;
- (B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and
- (C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.
 - (2) For purposes of this subsection:
- (A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;
- (B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;
 - (C) "manufacturing or processing plant or facility" means a single, fixed location

owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

- "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles. airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing. poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;
- (E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations:
 - (F) "primary" or "primarily" mean more than 50% of the time.
- (3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:
- (A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

- (B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;
- (C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;
- (D) to guide, control or direct the movement of property undergoing manufacturing or processing;
- (E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;
- (F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;
- (G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;
- (H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;
- (1) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;
- (J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;
- (K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process:
- (L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or
- (M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.
- (4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices,

facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

- (5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:
- (A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;
- (B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;
- (C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;
- (D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;
 - (E) furniture and other furnishings;
- (F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;
- (G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical:
 - (H) machinery and equipment used for general plant heating, cooling and lighting:
 - (I) motor vehicles that are registered for operation on public highways; or
- (J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.
- (6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.
- (7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;
- (ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health;
- (mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;
 - (nn) except as otherwise provided in this act, all sales of services rendered by an

advertising agency or licensed broadcast station or any member, agent or employee thereof;

- (oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;
- (pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;
- (qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;
- (rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986:
- (ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;
- (tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;
- (uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions:
- (vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)
- (3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:
- (1) The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;
- (2) the Kansas Alliance for the Mentally III, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;
- (3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and to education, research and support for them and their families;
- (4) the American Diabetes Association Kansas Affiliate, Inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;
- (5) the American Lung Association of Kansas, Inc. for the purpose of eliminating all lung diseases through medical research, public education including information on

coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

- (6) the Kansas chapters of the Alzheimer's Disease and Related Disorders Association, Inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;
- (7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease:
- (8) the National Kidney Foundation of Kansas and Western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease:
- (9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;
- (10) the Cystic Fibrosis Foundation, Heart of America Chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease:
- (11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;
- (12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;
- (13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;
- (14) the Dreams Work, Inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family:
- (15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public:
- (16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;
- (17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses:
- (18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;
- (19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

- (20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;
- (21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;
- (22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;
- (23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and
- (24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;
- (ww) all sales of tangible personal property purchased by the Habitat for Humanity for the exclusive use of being incorporated within a housing project constructed by such organization;
- (xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any

contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

- (yy) all sales of tangible personal property and services purchased by a parentteacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;
- (zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;
- all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any

contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee:

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation

not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

- (ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;
- (eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto:
- (fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;
- (ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas Academy of Science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;
- (hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;
 - (iii) all sales of personal property and services purchased by an organization which

is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the

director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

- (jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R.§ 101.36;
- (III) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;
- (mmm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psychosocial-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;
- (nnn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities:
- (000) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;
- (ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;
- (qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing

emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing. maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing. maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family,

and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring,

constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials. shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing. maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to

exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued. KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing. equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and

such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee:

(vvv) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase

materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers:

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc., both of which are exempt from

federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American Beef Battalion, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services; and

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or mental retardation, or both, and all sales of any such property by or on behalf of sheltered living, inc. for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc. for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc. contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc. a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc. shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(gggg) all sales of game birds for which the primary purpose is use in hunting."; And by renumbering sections accordingly;

Also on page 5, in line 19, after "12-191" by inserting ",79-3606";

On page 1, in the title, in line 2, before "amending" by inserting "exemptions, game birds;"; in line 3, after "12-191" by inserting ",79-3606"; and **Sub. HB 2161** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2193** be adopted; also, on motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Brookens, **Sub. HB 2193** be amended on page 3, in line 10, after "schools" by inserting "or which are provided as part of the general curriculum of the district as approved by the board of education of such district"; and the substitute bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2400, AN ACT concerning school districts; relating to at-risk pupils; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section; also repealing K.S.A. 2010 Supp. 72-6454, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H. Sub. for SB 35** from the calendar under the heading General Orders and rereferral to Committee on Federal and State Affairs.

REPORT ON ENROLLED RESOLUTIONS

HR 6014 reported correctly enrolled and properly signed on March 29, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, March 30, 2011.

Journal of the House

FIFTY-FIRST DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, March 30, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Fund was excused on verified illness.

Rep. Johnson, Meigs and Mosier were excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
As we continue the work that we have been called to do, we sometimes find ourselves between a rock and a hard place.
We receive encouragement from Your Word in the Book of Isaiah:
"Don't be afraid...I have called you by name.
When you are in over your head, I'll be there with you.
When you are in rough waters, you will not go down.
When you are between a rock and a hard place, it won't be a dead end—
because I am God...and I am with you."
We take heart today in this promise of Yours, and thank You for this reassurance.
I pray this in the name of Your Son, Christ Jesus,
Amen.

(Isaiah 43:6-8 - The Message)

The Pledge of Allegiance was led by Rep. Bollier.

Kansas Trivia Question – Since 1986 what specific reptile has been the state's official reptile?

Answer: The Ornate Box Turtle or Terrapene Ornata.

Extra credit for veteran members of the House: On a particularly uncivil day in the legislature, who was nominated to be the state reptile?

Answer: Rep. Kerry Patrick of Johnson County. The nomination was later withdrawn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2400**. Energy and Utilities: **HR 6020**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H. Sub. for SB 45** from the calendar under the heading General Orders and referral to Committee on Insurance.

MESSAGES FROM THE SENATE

The Senate concurs in House amendments to SB 9.

The Senate concurs in House amendments to SB 112.

The Senate accedes to the request of the House for a conference on **HB 2075** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2122** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2133** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2134** and has appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2139** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2194** and has appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2240** and has appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of **HB 2184**.

Announcing passage of HB 2158, as amended by S. Sub. for HB 2158; HB 2312, as amended.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Worley, **HR 6018**, A RESOLUTION designating March 30 as "Welcome Home Vietnam Veterans Day," was adopted.

There being no objection, the following remarks of Reps. Mah, Meier and Worley are spread upon the journal:

Remarks by Rep. Mah:

March 30 marks the anniversary of the date of the completion in 1973 of the

withdrawal of US combat units from the former South Vietnam under the Treaty of Paris. In many cases, our veterans were not welcomed back with gratitude and were too often blamed for the failings of a war waged under four administrations.

This is why the Vietnam Veterans of America endorses the establishment of March 30 as "Welcome Home Vietnam Veterans Day". We have with us today members of the Danny J. Petersen Vietnam Veterans of America Chapter 604 from Topeka, including President Ron Zink and Treasurer Nick Nichum. Ron also serves as the Kansas State Council President. We have members of the Patrick K. Harrold Vietnam Veterans Chapter 75 from Leavenworth, including President Kenny Bowen and Vice President Lynn Rolf, Jr. We also have with us Jack Fowler (Col. Ret.), Executive Director of the Kansas Commission on Veterans Affairs and Wayne Bollig, Director of Veteran Services Programs of the Kansas Commission on Veterans Affairs.

Vietnam veteran Rep. Worley and Iraq veteran Rep. Meier will tell us more about the Welcome Home effort. And we would like to invite down to the well any other Vietnam veterans or spouses of Vietnam Veterans in the House at this time.

Remarks by Rep. Meier:

In 1998, Vietnam Veteran Jose G. Ramos participated in a 1250 mile bicycle ride through Vietnam organized by World T.E.A.M. Sports. The documentary of the ride, "Vietnam, Long Time Coming", won an Oscar.

In 2000, Ramos began a campaign for a Welcome Home Vietnam Veterans Day. To raise awareness, he rode his bicycle from his home in California to Washington, D.C., asking that March 30 be proclaimed as our national Welcome Home day.

Support for the Welcome Home Day grew slowly, but finally in 2007 the United States Congress unanimously passed House Resolution 189 proclaiming March 30 as national Welcome Home Vietnam Veterans Day. Later the US Senate followed suit. The Kansas Legislature is proud to join in this long overdue recognition.

Remarks by Rep. Worley:

This year, the United States Senate Resolution was introduced by Senator Burr of South Carolina. Senator Burr said, "There's no question that our troops served our country bravely and faithfully during the Vietnam War, and these veterans deserve our recognition and gratitude. Tragically, when these service members returned home, they were caught in the crossfire of public debate about our nation's involvement in the Vietnam War. As a result, these brave men and women never received the welcome home and gratitude they fully deserved."

More than 58,000 members of the United States Armed Forces lost their lives and more than 300,000 were wounded in Vietnam. The establishment of a "Welcome Home Vietnam Veterans Day" serves as a small way to honor these men and women who served our country in Vietnam throughout the war.

I would now like to ask that veterans of any other US war or combat operation stand and be recognized.

INTRODUCTION OF GUESTS

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

Nathan Butler, a sophomore at Leavenworth High School, is this year's Kansas High

School 6A Freestyle and Greco-Roman Wrestling State Champion. Nathan is the captain of the wrestling team as a sophomore. In his spare time, he plays football, the trombone, and is a math whiz with a 4.14 GPA. Jay Johnston is the head coach of the Leavenworth High School wrestling team of outstanding scholar athletes.

Bo Pursel, a junior at Lansing High School, has been a nationally ranked champion wrestler since the age of nine. He recently won his third consecutive Kansas High School 5A State wrestling championship. Bo is a true student athlete with a 3.85 GPA. Bo's coach is Ron Averill, who just completed his 27th season as head coach for the Lansing Lions. Coach Averill was recently named Regional Coach of the Year for the fifth time.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2087, AN ACT to protect rights and privileges granted under the United States or Kansas constitutions, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kuether, Lane.

Present but not voting: None. Absent or not voting: Fund. The bill passed, as amended.

Sub. HB 2161, AN ACT concerning sales taxation; relating to situs of taxable transactions; sourcing of certain retail sales; exemptions, game birds; amending K.S.A. 2010 Supp. 12-191, 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 55; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, D. Gatewood, Goico, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa,

Schwab, Schwartz, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Burroughs, Carlin, Cassidy, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mosier, Moxley, O'Neal, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

Sub. HB 2178, AN ACT concerning licenses and permits; relating to nonresident military spouses, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Henderson.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

Sub. HB 2193, AN ACT concerning school districts; relating to school fnance; local activities budget, was considered on final action.

On roll call, the vote was: Yeas 56; Nays 68; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Bethell, Bollier, Boman, Bruchman, Brunk, Burgess, Calloway, Carlson, Colloton, Davis, DeGraaf, Denning, Donohoe, Garber, Goico, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, Howell, Huebert, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Otto, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Seiwert, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Vickrey, K. Wolf, Worley.

Nays: Alford, Arpke, Billinger, Bowers, Brookens, Brown, Burroughs, Carlin, Cassidy, Collins, Crum, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D.

Gatewood, S. Gatewood, Gonzalez, Grant, Gregory, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelley, Kelly, Kerschen, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Osterman, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore.

Present but not voting: None. Absent or not voting: Fund.

The substitute bill did not pass.

Sub. HB 2229, AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2010 Supp. 72-5413 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 55; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Johnson, Kelly, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Pottorff, Roth, Rubin, Ruiz, Ryckman, Schroeder, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund. The substitute bill passed.

EXPLANATION OF VOTE

Mr. Speaker: We vote "yes" on **Sub. HB 2229**. As a public school teacher, I have never been a member of the NEA due to its policies that do not reflect my core values. In my district the NEA has exclusive access to all teachers, even those who choose not to be members. This bill allows all teachers access to information about alternative associations for the means of liability insurance and other resources. — Kelly Meigs, Greg Smith, Tom Arpke, Amanda Grosserode

SB 80, AN ACT concerning alcoholic beverages; amending K.S.A. 2010 Supp. 41-102, 41-308b and 41-2703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens,

Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Collins, Feuerborn, Kelley, Mast, Patton, Pauls, Peck, Scapa, Schroeder, Shultz.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 93, AN ACT concerning racial or other biased-based policing; amending K.S.A.22-4606, 22-4609, 22-4610 and 22-4611, and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 36; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Howell, Kuether, Lane, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Schwartz, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Speaker: We vote "NO" on **SB 93**. Racial profiling in Kansas negatively impacts and discriminates against all individuals and entire communities.

In 2007 the Legislature passed a law making racial profiling unlawful. Comprehensive data collection was and continues to be an important provision of the law.

In **SB 93** we assure law enforcement their due process when accused, however, we don't have a mechanism in place that collects the data that will be able to show irregularities and/or patterns of traffic and pedestrian stops. **SB 93** lacks accountability and is little more than glorified window dressing. — Melody McCray Miller, Gail Finney, Barbara Ballard, Valdenia Winn, Ponka-We Victors, Sydney Carlin, Louis E. Ruiz, Broderick Henderson

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, the Committee of the Whole report, as follows, was adopted:

Recommended that SB 215 be passed.

H. Sub. for SB 36; HB 2269 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2296** be adopted; also, on motion of Rep. Gordon to amend, the motion did not prevail, and the substitute bill be passed.

Committee report to SB 224 be adopted; and the bill be passed as amended.

Committee report to SB 227 be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 225** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 225," as follows:

"HOUSE Substitute for SENATE BILL NO. 225

By Committee on Transportation

"AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2010 Supp. 75-5091 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 225 was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2401, AN ACT concerning taxation; relating to income tax credits; requirements related thereto for joint estimates of revenue to state general fund; amending K.S.A. 2010 Supp. 75-6701 and repealing the existing section, by Committee on Taxation.

HB 2402, AN ACT concerning the bioscience development and investment funds; relating to the centers of excellence and centers for innovation; creating funds; amending K.S.A. 2010 Supp. 74-99b34 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to S. Sub. for HB 2008, AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft and identity fraud; amending section 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 21-4704.

Call of the House was demanded.

(The House requested the Senate to return the bill, which was in conference).

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2118**, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 21-4603d and 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

On motion of Rep. Mesa, the House concurred in Senate amendments to **HB 2122**, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 103; Nays 17; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Mesa, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B, Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Denning, Dillmore, Grosserode, Hedke, Hildabrand, Kelley, Kinzer, Landwehr, Meigs, Montgomery, O'Hara, Rhoades, Scapa, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, the Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 36** be adopted; also, on motion of Rep. Kinzer be amended on page 1, in line 5, by striking all after "Abortion"; in line 6 by striking all before the period and inserting:

"means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the

result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy";

Also on page 1, following line 12 by inserting:

"(e) "Elective abortion" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which would result in her death. ";

Also on page 1, in line 13, by striking all after "Facility"; by striking all in line 14; in line 15, by striking all before the period and inserting: "means any clinic, hospital or ambulatory surgical center, in which any second or third trimester elective abortion, or five or more first trimester elective abortions are performed in a month, excluding any abortion performed due to a medical emergency as defined in this act, and amendments thereto";

Also on page 1, following line 20, by inserting:

"(i) "Medical emergency" means a condition that, in a reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy without first determining gestational age in order to avert her death, or for which a delay necessary to determine gestational age will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.";

And by redesignating subsections accordingly;

On page 5, in line 10, by striking all after "7."; by striking all in lines 11 through 14; in line 15, by striking all before the period and inserting:

"Except in the case of a medical emergency, as defined in this act, and amendments thereto, an abortion performed when the gestational age of the unborn child is 22 weeks or more shall be performed in a hospital or ambulatory surgical center licensed pursuant to this act. All other abortions shall be performed in a hospital, ambulatory surgical center or facility licensed pursuant to this act. All other abortions shall be performed in a facility licensed pursuant to this act, except that a hospital or ambulatory surgical center that does not meet the definition of a facility under this act and that is licensed pursuant to K.S.A. 65-425 et seq., and amendments thereto, may perform abortions";

Also, roll call was demanded on motion of Rep. Bollier to amend **H. Sub. for SB 36** on page 11, in line 5, by striking all after the period; by striking all in lines 6 through 8;

On roll call, the vote was: Yeas 33; Nays 83; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Henderson, Hill, Kuether, Loganbill, Mah, McCray-Miller, Mosier, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert,

Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, Wetta, Williams.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Fund, Gordon, Johnson, Kelley, Lane, Peck, Peterson.

The motion of Rep. Bollier did not prevail; and H. Sub. for SB 36 be passed as amended.

Committee report to **HB 2269** be adopted; also, on motion of Rep. Aurand be amended on page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 20; in line 21, by striking "(2)" and inserting "In each school year, the board of education of each school district shall adopt a local foundation budget."; in line 23, by striking "(A)" and inserting "(1)"; in line 25, by striking "(i)" and inserting "(A)"; in line 26, by striking "(i)" and inserting "(B)"; also in line 26, by striking "(i)" and inserting "(A)"; in line 27, by striking "(iii)" and inserting "(C)"; in line 29, by striking "(ii)" and inserting "(B)"; also in line 30, by striking "(iii)" and inserting "(D)"; also in line 30, by striking "(iii)" and inserting "(D)"; also in line 31, by striking "(iv)" and inserting "(D)";

On page 2, in line 1, by striking "(B)" and inserting "(2)"; in line 3, by striking "(i)" and inserting "(A)"; in line 4, by striking "(ii)" and inserting "(B)"; also in line 4, by striking "(i)" and inserting "(A)"; in line 6, by striking "(iii)" and inserting "(C)"; also in line 6, by striking "(ii)" and inserting "(B)"; by striking all in lines 8 through 43;

On page 3, by striking all in lines 1 through 19;

On page 9, in line 25, after "(2)" by inserting "financing that portion of the district's local foundation budget which is not financed from any other source provided by law; (3)"; in line 28, by striking "(3)" and inserting "(4)"; following line 38, by inserting:

"(c) In the school years specified in K.S.A. 72-6431, and amendments thereto, upon deposit of the proceeds from the tax levied pursuant to this section in the supplemental general fund, an amount equal to the local foundation budget, as established in section 1, and amendments thereto, shall be transferred to the general fund of the district. Such transfer shall be deemed a reimbursement of general operating expenses.";

And by relettering the remaining subsection accordingly;

Also, on motion of Rep. Otto to amend **HB 2269**, the motion did not prevail; and the bill be passed as amended.

Committee report to **Sub. SB 72** be adopted; also, on motion of Rep. Knox to amend, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail. Also, on motion of Rep. Hineman to amend, the motion did not prevail. Also, on further motion of Rep. Hineman to amend, the motion did not prevail; and rose and reported progress.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2390** from Committee on Appropriations and referral to Committee on General Government Budget.

On motion of Rep. Siegfreid, the House recessed until 6:15 p.m.

EARLY EVENING SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2403, AN ACT concerning property taxation; relating to exemptions and classification; bed and breakfast homes; amending K.S.A. 2010 Supp. 79-201c and 79-1439 and repealing the existing sections, by Committee on Taxation.

HB 2404, AN ACT concerning property taxation; relating to exemptions; certain pipeline property; amending K.S.A. 2010 Supp. 79-32,223 and repealing the existing section; also repealing K.S.A. 2010 Supp. 79-227, by Committee on Taxation.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 101**, and requests return of the bill

The Senate adopts the Conference Committee report on HB 2076.

The Senate adopts the Conference Committee report on HB 2147.

The Senate adopts the Conference Committee report on HB 2151.

Also, the Senate nonconcurs in House amendments to SB 93, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **Sub. SB 72**; and the substitute bill be passed as amended.

SB 210 be passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **S. Sub. for HB 2132**, AN ACT relating to motor vehicles; providing for the issuance of the families of the fallen license plate; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson,

Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Finney, Fund, Gordon, Johnson, Lane, Meigs, Mosier, Peterson.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 93.

Speaker O'Neal thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 25** be amended by substituting a new bill to be designated as " HOUSE Substitute for SENATE BILL NO. 25." as follows:

"HOUSE Substitute for SENATE BILL NO. 25

By Committee on Federal and State Affairs

"AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 25 was thereupon introduced and read by title.)

General Government Budget Committee recommends **HB 2390** be amended on page 1, in line 7, by striking "2011" and inserting "2012"; in line 9, by striking "2011" and inserting "2012";

On page 2, in line 43, after "after" by inserting "July 1, 2012, and"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2087, **HB 2125** reported correctly engrossed March 29, 2011. Also, **Sub. HB 2161**; **Sub. HB 2193** reported correctly engrossed March 30, 2011.

On motion of Rep. Siegfreid, the House adjourned until 9:00 a.m., Thursday, March 31, 2011.

Journal of the House

FIFTY-SECOND DAY

Hall of the House of Representatives, Topeka, KS, Thursday, March 31, 2011, 9:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Prayer by guest chaplain, the Rev. Gerald D. Morris, senior pastor retired, Grace Fellowship, Coffeyville, and guest of Rep. Peck:

Gracious God, my heavenly Father, in the preamble to our state constitution, our founders wrote, "We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the state of Kansas," Father, as our founders were grateful to you, so we come with hearts full of gratitude for all you have done for us and for our great state. We also come before you to ask your continued favor upon our state and our nation. We face great challenges and we ask for your blessing and for your wisdom for these our elected representatives as they meet to debate solutions to these challenges. Give them the ability to see your solutions and the courage to implement them. We ask your blessing on those who wear the uniforms of our military. Grant them your wisdom and protection as many of them are in harms way today. Thank you for their voluntary service to protect and defend our freedoms and our way of life. Watch over and bless their families as they also pay a price for their loved ones service.

Bless this day we pray.

The Pledge of Allegiance was led by Rep. Hineman.

Kansas Trivia Question – What is the state's largest living rodent? Answer: The beaver, with some weighing more than ninety-five pounds.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: HB 2402.

Taxation: HB 2401, HB 2403, HB 2404.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until later in the morning.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Siegfreid, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing Reps. Rhoades and Feuerborn to speak more than twice.

Committee report to **HB 2383** be adopted; also, on motion of Rep. Tyson to amend, the motion was withdrawn. Also, on further motion of Rep. Tyson to amend, the motion did not prevail.

Also, on motion of Rep. Ward, **HB 2383** be amended on page 290, following line 11, by inserting the following:

"Sec. 163. During the fiscal year ending June 30, 2012, notwithstanding any federal statutes or regulations or any other state statutes or any rules and regulations to the contrary, no expenditures shall be made for the fiscal year ending June 30, 2011, of any moneys appropriated from the state general fund or in any special revenue fund by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature by the department of health and environment, attorney general, attorney general – Kansas bureau of investigation, highway patrol, for purposes of enforcing the Kansas indoor clean air act, K.S.A. 2010 Supp. 21-4009 through 21-4014, and amendments thereto, against any annual benefit cigar dinner or other annual smoking event conducted specifically and exclusively for charitable purposes by an organization which has held charitable events during the previous three years and is organized not-for-profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1986.";

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. DeGraaf, **HB 2383** be amended on page 283, in line 8, after "executive" by inserting "branch, legislative branch"; in line 11, by striking all after "section"; by striking all in line 12; in line 13, by striking all before the period;

On page 287, in line 40, after "executive" by inserting "branch, legislative branch"; in line 43, by striking all after "section";

On page 288, by striking all in line 1; in line 2, by striking "government";

On motion of Rep. Colloton to amend **HB 2383**, the motion did not prevail. Also, on further motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Worley, HB 2383 be amended on page 155, in line 9, by

adding \$3,500,000 to the dollar amount and by adjusting the dollar amount in line 9 accordingly; in line 12, before the period, by inserting ": *Provided further*, On July 1, 2011, or as soon thereafter as moneys are available, and notwithstanding the provisions in K.S.A.79-4231, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,500,000 from the oil and gas valuation depletion trust fund of the department of revenue to the state general fund: *And provided further*, That the aggregate amount transferred under this subsection shall be accounted for by debiting each account in the oil and gas valuation depletion trust fund with the amount credited to such account that bears the same relation to the aggregate amount credited to such account as the aggregate amount transferred under this subsection bears to the aggregate amount credited to the oil and gas valuation depletion trust fund.":

Also, on motion of Rep. Carlin to amend **HB 2383**, the motion was ruled out of order under the Pay-Go provisions of House Rule 2110.

Also, roll call was demanded on motion of Rep. Patton to amend **HB 2383** on page 155, in line 13, by adding \$277,039 to the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On page 166, following line 3, by inserting the following:

"(q) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012 to have an independent audit conducted to evaluate the overall management and service structure of the Kansas neurological institute and Parsons state hospital and training center: Provided, That, such audit shall be designed to identify additional efficiencies that can be implemented to create cost-savings at the facilities: Provided further, That such independent audit shall identify additional programs that the facilities could implement to assist the entire developmental disability community and help reduce the home and community based services waiver for individuals with developmental disabilities expenditures: And provided further, That, such audit shall be completed no later than September 31, 2011, and shall be made available to all members of the house of representatives committee on appropriations and the senate committee on ways and means.";

On page 290, following line 11, by inserting the following:

"Sec. 163. (a) Prior to July 1, 2011, the director of the budget shall determine, after consultation with the director of legislative research, the amount appropriated or reappropriated from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in each account of the state general fund for each state agency for the purchase of bottled water, and the amount so determined for each such account of the state general fund for fiscal year 2012 shall be certified by the director of the budget to the director of accounts and reports: *Provided*, That, on July 1, 2011, after receipt of such certification concerning bottled water, the director of accounts and reports shall lapse a percentage of the amount certified for each such account of the state general fund for fiscal year 2012 as specified in such certification: *Provided further*, That the aggregate of all amounts lapse

d from appropriations from the state general fund pursuant to this section shall be equa 1 to \$100,000: And provided further, That, the director of account and reports is hereby authorized to determine the amount of such percentage based upon the number of full-time employees of each such agency: And provided further, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

(b) Prior to July 1, 2011, the director of the budget shall determine, after consultation with the director of legislative research, the amount appropriated or reappropriated from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in each account of the state general fund for each state agency for the purchase of office supplies, and the amount so determined for each such account of the state general fund for fiscal year 2012 shall be certified by the director of the budget to the director of accounts and reports: *Provided*. That, on July 1. 2011, after receipt of such certification concerning office supplies, the director of accounts and reports shall lapse a percentage of the amount certified for each such account of the state general fund for fiscal year 2012 as specified in such certification: Provided further, That the aggregate of all amounts lapsed from appropriations from th e state general fund pursuant to this section shall be equal to \$177.039; And provided further. That, the director of account and reports is hereby authorized to determine the amount of such percentage based upon the number of full-time employees of each such agency: And provided further, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 105; Nays 14; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rubin, Ruiz, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Bethell, Crum, DeGraaf, Garber, Goodman, Grosserode, Henry, Johnson, McLeland, Otto, Rhoades, Siegfreid, B. Wolf.

Present but not voting: None.

Absent or not voting: Brown, Fund, Gordon, O'Neal, Roth, Schroeder.

The motion of Rep. Patton prevailed.

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2383** on page 162, in line 35, by subtracting \$1,500,000 from the dollar amount and by adjusting the

dollar amount in line 35 accordingly;

On page 207, in line 10, by adding \$1,500,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 212, in line 40, by subtracting \$1,500,000 from the dollar and by adjusting the dollar amount in line 40 accordingly;

On page 215, in line 11, by adding \$1,500,000 to the dollar amount and by adjusting the dollar amount in line 11 accordingly;

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Bowers, Brookens, Bruchman, Burroughs, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Frownfelter, Garber, D. Gatewood, Goico, Goodman, Grange, Gregory, Hedke, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Loganbill, Meier, Montgomery, Moxley, O'Brien, O'Hara, Osterman, Patton, Pauls, Peterson, Pottorff, Proehl, Roth, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Weber, Wetta, Williams, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Bethell, Boman, Brown, Brunk, Burgess, Calloway, Carlin, Carlson, Feuerborn, Finney, Flaharty, S. Gatewood, Gonzalez, Grant, Grosserode, Hayzlett, Henderson, Hildabrand, Hoffman, Kelley, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Mosier, O'Neal, Otto, Peck, Phelps, Powell, Prescott, Rhoades, Rubin, Schwartz, Smith, Tyson, Victors, Ward, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Hill, Landwehr.

The motion of Rep. Colloton prevailed.

Also, rose and reported progress.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2269, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6410, 72-6415b, 72-6431, 72-6433, 72-6435, 72-6449 and 72-6451 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 56; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Collins, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Henderson, Henry, Hill, Hineman, Hoffman, Johnson, Kelly, Kiegerl, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley,

Patton, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

Sub. HB 2296, AN ACT concerning state institutions and state agencies; establishing the joint committee on oversight of the closure of the Kansas neurological institute and the Kansas neurological institute community conversion conservation fund, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 48; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brunk, Carlson, Cassidy, Crum, DeGraaf, Denning, Donohoe, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Hayzlett, Hedke, Henry, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Landwehr, Loganbill, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Otto, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Scapa, Schroeder, Schwartz, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Ballard, Bollier, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Collins, Colloton, Davis, Dillmore, Fawcett, Frownfelter, S. Gatewood, Gregory, Grosserode, Henderson, Hermanson, Hildabrand, M. Holmes, Kerschen, Kiegerl, Knox, Kuether, Lane, Mah, McCray-Miller, Meier, Mosier, Osterman, Patton, Pauls, Peterson, Prescott, Ruiz, Ryckman, Schwab, Seiwert, Slattery, Swanson, Tietze, Trimmer, Tyson, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Speaker: I vote no on **Sub. HB 2296**. "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the highlight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." (Hubert Humphrey) – Annie Kuether

H. Sub. for SB 36, AN ACT concerning abortion; relating to licensure of abortion clinics, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley,

O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed, as amended.

Sub. SB 72, AN ACT concerning telecommunications; amending K.S.A. 50-6,103 and K.S.A. 2010 Supp. 66-2005 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 25; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Howell, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Lane, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Billinger, Bowers, Brookens, Carlson, Cassidy, Donohoe, Hayzlett, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Kelly, Knox, Kuether, Loganbill, Mast, Moxley, Peck, Powell, Schwartz, Swanson, Tyson, Vickrey.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: **Sub. SB 72** price-deregulates voice telephone service in all parts of Kansas, putting in jeopardy rural Kansas where there is no choice for basic telephone service. Urban Kansas has already been deregulated and has already seen corresponding price increases. But they have choices for telephone service. When prices increase in rural Kansas there is no choice for plain old telephone service – it is a monopoly. This is a day for all Kansans to stand for all of Kansas. We vote NO on **Sub. SB 72**. – Don Hineman, Bob Brookens, Ward Cassidy, Jim Kelly, Owen Donohoe, Stephen Alford, Larry Powell, Mitch Holmes

Mr. Speaker: **Sub. SB 72** fully price-deregulates voice telephone service in all parts of Kansas. Currently competitive exchanges are already deregulated. **Sub. SB 72** deregulates exchanges where a monopoly exists. It also abandons exchange-wide

pricing, allowing targeting of high cost lines. The real nut of this bill is elimination of the price reporting requirement in already deregulated areas, which hurts competition. This could be accomplished without sacrificing rural Kansas, where a monopoly still exists on plain old telephone service. There is a reason that committee leadership, who understand this best, does not support **Sub. SB 72.** We vote No on **Sub. SB 72.** Forrest J. Knox, Annie Kuether

 $SB\ 210$, AN ACT providing for assessments on providers of home and community-based services developmental disability waiver program; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality based community assessment fund; providing for implementation and administration. , was considered on final action.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Boman, Brown, Brunk, Calloway, Crum, DeGraaf, Denning, Donohoe, Garber, Goodman, Grosserode, Hermanson, Hildabrand, M. Holmes, Howell, Kelley, Kinzer, Landwehr, Mast, McLeland, Mesa, Montgomery, O'Brien, O'Hara, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Smith, Suellentrop, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed.

SB 215, AN ACT abolishing the liquefied petroleum gas advisory board; repealing K.S.A. 55-1811, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer,

Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed.

SB 224, AN ACT concerning the gas safety and reliability surcharge; relating to a petition for rate schedule, extension of deadline for proceeding; amending K.S.A. 2010 Supp. 66-2203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Landwehr, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

SB 227, AN ACT concerning property; relating to renewable energy; amending K.S.A. 58-2272 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 229** be passed.

Committee on **Appropriations** recommends **SB 97**, as amended by adoption of the amendments recommended by House Committee on Judiciary as reported in the Journal of the House on March 15, 2011, and the bill, as printed with amendments by House Committee be amended on page 4, in line 14, by striking "\$17.50" and inserting "\$22";

On page 6, in line 30, by striking "\$17.50" and inserting "\$22";

On page 9, in line 31, by striking "\$15" and inserting "\$19";

On page 14, in line 6, by striking "\$15" and inserting "\$19";

On page 16, in line 17, by striking "\$21" and inserting "\$26.50";

On page 17, in line 31, by striking "\$17.50" and inserting "\$22";

On page 19, in line 32, by striking "\$17.50" and inserting "\$22"; in line 43, by striking "\$21" and inserting "\$26.50";

On page 20, in line 25, by striking "\$10" and inserting "\$12.50";

On page 21, in line 19, by striking "\$17.50" and inserting "\$22";

On page 23, in line 27, by striking "\$15" and inserting "\$19";

On page 25, in line 25, by striking "\$17.50" and inserting "\$22";

On page 27, in line 21, by striking "\$17.50" and inserting "\$22";

On page 28, in line 17, by striking "\$17.50" and inserting "\$22"; in line 30, by striking "\$17.50" and inserting "\$22";

On page 30, in line 23, by striking "\$17.50" and inserting "\$22";

On page 31, in line 29, by striking "\$10" and inserting "\$12.50";

On page 32, in line 10, by striking "\$15" and inserting "\$19"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2405, AN ACT concerning the civil service; converting certain classified positions into unclassified positions.; amending K.S.A. 75-5310 and 75-5611 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6021—

A RESOLUTION encouraging participation in the American Public Health

Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011.

WHEREAS, The week of April 4-10, 2011 is National Public Health Week, and the theme is "Safety is *no* Accident: Live Injury-Free"; and

WHEREAS, Kansas counties and local health departments play a vital role in the state's public health; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers and public health professionals about public health issues; and

WHEREAS, Each year, nearly 150,000 people die from injuries. Unintentional injuries, such as motor vehicle crashes, poisonings and falls rank among the top 10 causes of death for people ages 1-44; and

WHEREAS, Almost 30 million people are injured seriously enough to go to the emergency room each year; and

WHEREAS, The financial costs of injuries are staggering, accounting for 12% of annual medical care spending and totaling as much as \$69 billion per year; and

WHEREAS, Injuries, unexpected events and violence affect people at home, at work, in their communities, on the move and even at play; and

WHEREAS, Many injuries and associated costs can be proactively prevented by taking actions such as wearing a seat belt, properly installing smoke alarms, correctly installing and using child safety seats, wearing a helmet, and storing cleaning supplies in locked cabinets. Furthermore, educating the community about violence and maltreatment towards children, seniors and other vulnerable populations prevents injuries: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we support the efforts of the American Public Health Association and the Kansas Public Health Association. Specifically, we recognize the week of April 4-10, 2011, as National Public Health Week in Kansas. We call upon the people of Kansas to observe this week by helping our families, friends, neighbors, co-workers and leaders better understand the importance of public health to a successful health system by remembering this year's theme, "Safety is no Accident; Live Injury-Free"; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Jonathan Larance, Kansas Department of Health and Environment, 1000 SW Jackson, Ste 230, Topeka, KS 66612-1274.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Aurand in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 2383** (see Morning Session).

On motion of Rep. Sloan, HB 2383 be amended on page 19, following line 22, by

inserting:

"Sec. 34.

STATE BOARD OF REGENTS

- (a) On the effective date of this act, of the \$6,219,875 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 131(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the PEI infrastructure-debt service account, the sum of \$300,000 is hereby lapsed.
- (b) On July 1, 2011, the director of accounts and reports shall transfer \$100,000 from the PEI infrastructure - debt service account of the board of regents to the state general fund.":

And by renumbering the remaining sections accordingly;

Also on page 19, by striking all in lines 25 through 30 and by inserting the following:

"(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Standardized water data repository.....\$300,000";

On page 190, following line 8, by inserting the following:

"Standardized water data repository......\$100,000 Provided, That any unencumbered balance in the standardized water data repository account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.":

Also, on motion of Rep. Patton to amend HB 2383, Rep. Phelps requested the question be divided. The Rules Chair ruled the question could not be divided pursuant to the Pay-Go provisions.

Also, on motion of Rep. Rubin to amend HB 2383, Rep. Brookens requested a ruling on the amendment being germane to the bill. Rep. Rubin subsequently withdrew his amendment.

Also, roll call was demanded on motion of Rep. Donohoe to amend HB 2383 on page 290, following line 11, by inserting the following:

(a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the amount determined by the director of the budget in consultation with the director of legislative research, in accordance with this section and certified by the director of the budget to the director of accounts and reports for each account of the state general fund, is hereby lapsed, except as otherwise provided by this section: Provided, That, prior to July 1, 2011, the director of the budget shall determine the amount to lapse from each appropriation and reappropriation from the state general fund for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature so that the aggregate of all amounts appropriated or reappropriated from the state general fund for all state agencies for fiscal year 2012 is equal to the aggregate approved fiscal year 2011 state general fund budget, subject to the provisions of this section: Provided further, That, subject to the provisions of this section, each amount to be lapsed by this section in each such account of the state general fund appropriated or reappropriated for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature shall be the amount equal to the result obtained by subtracting the aggregate amount appropriated or reappropriated from the state general fund in the account for fiscal year 2011as part of the aggregate approved fiscal year 2011 state general fund budget from the aggregate amount appropriated or reappropriated from the state general fund in the account for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature: *Provided,however*, That no amount shall be lapsed by this section from an account of the state general fund appropriated or reappropriated for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature if the aggregate amount in such account for fiscal year 2012 is less than the aggregate amount in such account for fiscal year 2011.

- (b) On July 1, 2011, each amount that is appropriated for fiscal year 2012 in an account of the state general fund for which no moneys were appropriated for fiscal year 2011 from the state general fund in the aggregate approved fiscal year 2011 state general fund budget, as determined by the director of the budget in consultation with the director of legislative research, is hereby lapsed, except as otherwise provided by this section
- (c) Any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for human services caseloads for the department of social and rehabilitation services, the division of health care finance of the department of health and environment, the juvenile justice authority or the department on aging, any item of appropriation or reappropriation for debt service for contractual bond obligations, including any transfer from the state general fund to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, shall be exempt from the provisions of this section that provide for a lapse of any such appropriation or reappropriation or a decrease in any such transfer from the state general fund.
- (d) On July 1, 2011, of the amount appropriated or reappropriated for the department of education from the state general fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, in the general state aid account, the amount equal to the sum of the aggregate of all items of appropriation or reappropriation from the state general fund for fiscal year 2012 that are specified in subsection (c) is hereby lapsed: *Provided*, That the amount lapsed under this subsection shall not exceed \$257,000,000.
- (e) For all purposes under this section, any state agency names and state general fund account names that are modified, including other budgetary or accounting provisions that are redesignated or otherwise modified, whether pursuant to or to provide for an executive reorganization order that becomes effective or a governmental reorganization act that takes effect for fiscal year 2012, and that are determined by the director of the budget, after consultation with the director of legislative research, to be substantially the same for fiscal year 2012 as referred to for fiscal year 2011, shall be considered to be the same for purposes of this section and the application of the provisions of this section.
- (f) As used in this section, "aggregate approved fiscal year 2011 state general fund budget" means the aggregate of all amounts appropriated or reappropriated from the state general fund for all state agencies for fiscal year 2011 by chapter 2, chapter 124 or

chapter 144 of the 2009 Session Laws of Kansas or by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 8; Nays 107; Present but not voting: 0; Absent or not voting: 10.

Yeas: Collins, Donohoe, Goodman, Kelley, Kiegerl, Kinzer, O'Brien, O'Hara.

Nays: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Brown, Fund, Gordon, Hedke, M. Holmes, Landwehr, Slattery, Suellentrop, Swanson.

The motion of Rep. Donohoe did not prevail.

Also, on motion of Rep. Ward to amend HB 2383, the motion did not prevail.

Also, on motion of Rep. Brunk, **HB 2383** be amended on page 182, following line 9, by inserting the following:

"Kansas polymer research center – Pittsburg state university fund.................No limit"; On page 192, following line 11, by inserting the following:

"Biotechnology innovation and optimization center –

On page 197, following line 16, by inserting the following:

"National institute for aviation research – Wichita state university fund.......No limit Center of innovation for biomaterials in orthopaedic research

On page 290, following line 11, by inserting the following:

"Sec. 163. K.S.A. 2010 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2010 Supp. 74-99b01 et seq., and amendments thereto.

- (c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.
- (d) (1) Except as provided in subsection (d)(2), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. The state treasurer may make estimated payments to the bioscience authority more frequently based on estimates provided by the secretary of revenue and reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:
- $\frac{(1)}{(A)}$ The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and
- $\frac{(2)}{(B)}$ the net earnings rate of the pooled money investment portfolio for the preceding month.
- (2) (A) For fiscal years 2012, 2013, 2014 and 2015, the first \$16,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the sales tax refund fund of the department of revenue, in one or more substantially equal amounts, to each of the following: The advanced manufacturing institute Kansas state university fund, the biotechnology innovation and optimization center university of Kansas fund, the information and telecommunication technology center university of Kansas fund, the Kansas polymer research center Pittsburg state university fund, the national institute for aviation research Wichita state university fund, the heartland plant innovations Kansas state university fund, Kansas alliance for bioenergy and biorefining university of Kansas fund, and the center of innovation for biomaterials in orthopaedic research Wichita state university fund. Each such special revenue fund shall receive \$2,000,000 annually.
- (B) On or before January 15, 2013, 2014, 2015, and 2016, the advanced manufacturing institute of Kansas state university, the biotechnology innovation and optimization center of the university of Kansas, the information and telecommunication technology center of the university of Kansas, the Kansas polymer research center of Pittsburg state university, the national institute for aviation research of Wichita state university, heartland plant innovations of Kansas state university, the Kansas alliance for bioenergy and biorefining of the university of Kansas, and the center of innovation for biomaterials in orthopaedic research of Wichita state university shall report to the house of representatives committee on appropriations and the senate committee on ways and means on the research and development activities and the use of the moneys

transferred to such special revenue funds.

- (C) There is hereby established in the state treasury the advanced manufacturing institute Kansas state university fund which shall be administered by Kansas state university. All moneys credited to the fund shall be used for research and development. All expenditures from the advanced manufacturing institute Kansas state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Kansas state university or by the person or persons designated by the president of Kansas state university.
- (D) There is hereby established in the state treasury the biotechnology innovation and optimization center university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the biotechnology innovation and optimization center university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.
- (E) There is hereby established in the state treasury the information and telecommunication technology center university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the information and telecommunication technology center university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.
- (F) There is hereby established in the state treasury the Kansas polymer research center Pittsburg state university fund which shall be administered by Pittsburg state university. All moneys credited to the fund shall be used for research and development. All expenditures from the Kansas polymer research center Pittsburg state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Pittsburg state university or by the person or persons designated by the president of Pittsburg state university.
- (G) There is hereby established in the state treasury the national institute for aviation research Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the national institute for aviation research Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.
- (H) There is hereby established in the state treasury the heartland plant innovations Kansas state university fund which shall be administered by Kansas state university. All moneys credited to the fund shall be used for research and development. All expenditures from the heartland plant innovations Kansas state university fund shall be made in accordance with appropriation acts and upon warrants of the director of

accounts and reports issued pursuant to expenditures approved by the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

- (I) There is hereby established in the state treasury the Kansas alliance for bioenergy and biorefining university of Kansas fund which shall be administered by the university of Kansas. All moneys credited to the fund shall be used for research and development. All expenditures from the Kansas alliance for bioenergy and biorefining university of Kansas fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chancellor of the university of Kansas or by the person or persons designated by the chancellor of the university of Kansas.
- (J) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.
- (e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581.8 million\$581,800,000.
- (f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the statelegislative post audit act to, K.S.A. 46-1106 et seq., and amendments thereto.
- (g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

Sec. 164. K.S.A. 2010 Supp 74-99b34 is hereby repealed.":

And by renumbering sections accordingly;

On page 1, in the title, in line 8, following "8814," by inserting "74-99b34,";

Also, on motion of Rep. D. Gatewood, **HB 2383** be amended on page 290, following line 11, by inserting the following:

- "Sec. 163. On July 1, 2011, K.S.A. 2010 Supp. 49-514 is hereby amended to read as follows: 49-514. (a) (1) For individuals who have rented and resided in their homes in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable housing elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments and not in a single lump sum. In addition, such individuals may receive not more than \$1,000 for moving expenses.
- (2) For other individuals who are renting and residing in their homes in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (a)(1).

- (b) (1) Subject to the provisions of subsection (g), for individuals who have owned and resided in their homes in the affected community continuously since March 13, 2006, the trust shall purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than \$1,000 for moving expenses.
- (2) Subject to the provisions of subsection (g), for other individuals who own and reside in their homes in the affected community, the trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (b)(1).
- (c) (1) Subject to the provisions of subsection (h), for persons who have rented the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable premises elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than \$2,000 for moving expenses.
- (2) Subject to the provisions of subsection (h), for other persons who are renting the premises of and operating their businesses or nonprofit organizations in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (c)(1).
- (d) (1) Subject to the provisions of subsections (g) and (h), for persons who have owned the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, the trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial property elsewhere in the county where the affected community is located. In addition, such persons may receive not more than \$2.000 for moving expenses.
- (2) Subject to the provisions of subsections (g) and (h), for other persons who own the premises of and operate their businesses or nonprofit organizations in the affected community, the trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (d)(1).
- (e) Subject to the provisions of subsections (g) and (h), for persons who own rental property in the affected community, the trust, in its discretion, may purchase the rental property for: (A) An amount equal to the average cost of comparable rental property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or (B) an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.
 - (f) Subject to the provisions of subsection (h), in addition to the purchase of

property as otherwise authorized by this act, the trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding:

- (1) The average cost of comparable property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or
- (2) the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase-, *if* the person has not owned such property continuously since March 13, 2006.
- (g) If a home or the premises of a business or nonprofit organization is a movable structure and the trust grants relocation assistance to the owner pursuant to this section, the trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.
- (h) A person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.
- (i) Payments made pursuant to the provisions of this act may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.
- (j) Participation in the assistance program provided for by this act shall be voluntary. No person shall be required to relocate or sell property under the provisions of this act.
- (k) Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the manner that the trust determines will best serve the state of Kansas and public interest.
- (l) The use of moneys pursuant to this section shall not be subject to the uniform relocation assistance and real property acquisition policies act of 1970(42 U.S.C. § 4601 et seq.).

Sec. 164. On July 1, 2011, K.S.A. 2010 Supp. 79-514 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, following "12-5256," by inserting "49-514,";

Also, roll call was demanded on motion of Rep. Colloton to amend **HB 2383** on page 207, in line 4, by adding \$1,400,000 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 258, in line 8, by subtracting \$1,400,000 from the first dollar amount, which reads "\$35,000,000" and by adjusting the dollar amount in line 8 accordingly; also in line 8, by subtracting \$1,400,000 from the second dollar amount, which reads "\$35,000,000" and by adjusting the dollar amount in line 8 accordingly; in line 13, by subtracting \$1,400,000 from the dollar amount and by adjusting the dollar amount in line 13 accordingly;

On roll call, the vote was: Yeas 82; Nays 35; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Calloway, Cassidy, Collins, Colloton, Crum, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez,

Goodman, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Mah, Mast, McCray-Miller, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Patton, Pauls, Peck, Pottorff, Proehl, Ruiz, Ryckman, Scapa, Schroeder, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Trimmer, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Boman, Brown, Brunk, Burroughs, Carlson, Davis, DeGraaf, Feuerborn, S. Gatewood, Goico, Hayzlett, Hildabrand, Hill, Hineman, Hoffman, Kuether, Loganbill, McLeland, Mesa, O'Neal, Osterman, Otto, Peterson, Phelps, Powell, Prescott, Rhoades, Rubin, Schwartz, Seiwert, Smith, Tietze, Tyson, Vickrey, Weber.

Present but not voting: None.

Absent or not voting: Bethell, Carlin, Fund, Gordon, M. Holmes, Landwehr, Roth, Schwab.:

The motion of Rep. Colloton prevailed.

Also, roll call was demanded on motion of Rep. Kelley to amend **HB 2383** on page 290, following line 11, by inserting the following:

On July 1, 2011, of the amount of each appropriation or (a) reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to \$100,000,000 which is not exempt, is hereby lapsed in accordance with this subsection: Provided, That, appropriations and reappropriations for fiscal 2012 for the following are exempt from and shall not be reduced by such lapsing provision: (1) Any agency in the public safety function of government, and (2) any agency within the judicial branch of government: Provided further, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$100,000,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: And provided further, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: And provided further. That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 46; Nays 77; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Boman, Brown, Bruchman, Brunk, Calloway, Carlson, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goodman, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Howell, Huebert, Kelley, Kiegerl, Kinzer, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Prescott, Rhoades, Rubin, Ryckman, Scapa, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf. Nays: Alford, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Burgess,

Burroughs, Carlin, Cassidy, Collins, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None. Absent or not voting: Fund, Gordon. The motion of Rep. Kelley did not prevail. Also, rose and reported progress.

MESSAGE FROM THE GOVERNOR

HB 2027 approved on March 31, 2011.

MESSAGE FROM THE SENATE

Announcing adoption of SCR 1608.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SCR 1608.

On motion of Rep. Siegfreid, the House recessed until 8:45 p.m.

NIGHT SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB** 2312 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Aurand in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that discussion resume on **HB 2383** (see Afternoon Session).

Also, on motion of Rep. McLeland, **HB 2383** be amended on page 51, in line 2, by subtracting \$129,840 from the dollar amount which reads \$3,153,798 and by adjusting the dollar amount in line 2 which reads \$3,153,798 accordingly; in line16, by subtracting \$209,410 from the dollar amount which reads \$14,894,148 and by adjusting

the dollar amount in line 16 which reads \$14,894,148 accordingly;

On page 52, in line 30, by adding \$339,410 to the dollar amount which reads \$1,308,199 and by adjusting the dollar amount in line 30 which reads \$1,308,199 accordingly:

Also, on motion of Rep. Frownfelter to amend **HB 2383**, the motion did not prevail. Also, on motion of Rep. Mah to amend, the motion did not prevail.

Also, on motion of Rep. Sloan, **HB 2383** be amended on page 246, following line 20, by inserting the following:

"(h) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2012, to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.";

Also, on motion of Rep. Weber to amend **HB 2383**, Rep. Brookens requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Weber to amend, which did not prevail.

Also, on motion of Rep. Colloton, **HB 2383** be amended on page 86, in line 9, by subtracting \$812,000 from the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On page 156, line 25, by adding \$812,000 to the dollar amount and by adjusting the dollar amount in line 25 accordingly;

On page 255, in line 19, by adding 12.00 to the number in the line and adjusting the number in line 19 accordingly;

Also, on motion of Rep. Mast, **HB 2383** be amended on page 155, in line 9, by adding \$300,000 to the dollar amount and adjusting the dollar amount in line 9 accordingly:

On page 206, following line 31, by inserting the following:

"(h) On July 1, 2011, of the state general fund appropriated to the PEI infrastructure — debt service account of the board of regents, by this or any other appropriations act for the fiscal year ending June 30, 2012, the amount of \$300,000 is hereby lapsed.";

Also, roll call was demanded on motion of Rep. Fawcett to amend **HB 2383** on page 290, following line 11, by inserting the following:

"Sec. 163. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, and made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, that is not exempt, the sum equal to \$50,000,000 is hereby lapsed in accordance with this subsection: *Provided*, That, appropriations and reappropriations for fiscal 2012 for the following are exempt from and shall not be reduced by such lapsing provision: (1) Any agency in the public safety function of government, and (2) any agency within the judicial branch of government: *Provided further*, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted

for state operations which bears the same relation to \$50,000,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: And provided further, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: And provided further, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.";

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 54; Nays 67; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Crum, DeGraaf, Donohoe, Fawcett, Garber, Goico, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Prescott, Rhoades, Rubin, Scapa, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Burgess, Burroughs, Carlin, Collins, Colloton, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Peterson, Roth.

The motion of Rep. Fawcett did not prevail.

Also, on motion of Rep. Goico, **HB 2383** be amended on page 277, by striking all in lines 34 through 43;

By striking all on pages 278 through 287;

On page 288, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

On page 290, following line 11, by inserting the following:

"Sec. 163. (a) (1) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and

amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services, division of health care finance of the department of health and environment, juvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health. community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: Provided, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

- (2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto. (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services. division of health care finance of the department of health and environment, iuvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: *Provided*. That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.
- (3) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency,

as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, the sum equal to 1.193% of such appropriation or reappropriation, which is not exempt, is hereby lapsed. The following are exempt from and shall not be reduced by such lapsing provision: (A) Any item of appropriation or reappropriation for debt service for payments pursuant to contractual bond obligations, (B) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, (C) any item of appropriation or reappropriation from the state general fund for fiscal year 2012 for the department of education for general state aid or any other state aid for schools, and (D) any item of appropriation or reappropriation from the state general fund for fiscal year 2012, for the department of social and rehabilitation services, division of health care finance of the department of health and environment, juvenile justice authority or the department on aging which are required to meet caseload obligations under the state medicaid plan including nursing facilities, general medical, targeted case management, mental health, community supports and services, or addiction and prevention services or for the department of social and rehabilitation services to meet caseload obligations for nursing facilities for mental health, general assistance, temporary assistance for families, foster care and reintegration services contracts or adoption services contracts, as certified by the director of the budget to the director of accounts and reports for the purposes of this clause: Provided, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this clause (D), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

- (b) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the sum equal to 1.193% of such expenditure limitation for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports, the director of the budget shall deliver a copy of such certification to the director of legislative research.
- (c) The provisions of this section shall not apply to any transfer of moneys to the: (1) School district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, or the (2) school district capital outlay state aid fund for distribution to school districts pursuant to K.S.A. 72-8814, and amendments thereto.";

And by renumbering sections accordingly;

Also, on motion of Rep. Davis to amend **HB 2383**, the motion did not prevail; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfreid, pursuant to House Rule 2311, **HB 2383** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2383, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 52; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Bruchman, Brunk, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Hayzlett, Hedke, Hermanson, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Brookens, Brown, Burgess, Burroughs, Carlin, Collins, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Grosserode, Henderson, Henry, Hildabrand, Hill, Kelley, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, O'Hara, Pauls, Phelps, Rubin, Ruiz, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Peterson, Roth.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

HB 2269 reported correctly engrossed March 31, 2011.

S. Sub. for HB 2008; HB 2122; S. Sub. for HB 2132; HB 2218, HB 2339 reported correctly re-engrossed March 31, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6008, HR 6018 reported correctly enrolled and properly signed on March 31, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Friday, April 1, 2011.

Journal of the House

FIFTY-THIRD DAY

Hall of the House of Representatives, Topeka, KS, Friday, April 1, 2011, 10:00 a.m.

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

The roll was called with 122 members present.

Rep. Fund was excused on verified illness.

Reps. Calloway and Gordon were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

I have had a request to ask You to allow the session to be finished by 5:00 pm today so they can all travel home and sleep in their own beds tonight. No, God, I don't think this is an April's Fool joke! However, I do understand it might rank right up there close to the miracle of the crossing of the Red Sea for this to likely occur. In all seriousness, I do ask that you be with this great body of leaders today. Temper the attitudes, extend the patience, soften the words, expedite a spirit of unity, but keep them diligent and responsible in accomplishing what they have been sent here to do. Also, thank you for the Wichita State win last night. We know You share in our joy and pride for these outstanding young men and their talent. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. S. Gatewood.

Kansas Trivia Question – Takeru Higuchi, a University of Kansas chemist, invented what medical delivery system?

Answer: The time-release capsule.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were referred to committees as indicated:

Social Services Budget: HB 2405; SCR 1608.

MESSAGE FROM THE SENATE

Announcing passage of Sub. SB 234.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

Sub. SB 234.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bollier, **HR 6021**, A RESOLUTION encouraging participation in the American Public Health Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011, was adopted.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted: Recommended that **SB 229** be passed.

Committee report to **HB 2390** be adopted; also, on motion of Rep. Sloan to amend, Rep. McLeland requested a ruling on the amendment being in order under the Pay-Go provision pursuant to House Rule 2110. The Rules Chair ruled the amendment in order.

Also, the question reverted back to the motion of Rep. Sloan to amend **HB 2390**. Rep. McLeland requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Sloan to amend. Also, on motion of Rep. Burroughs to rerefer the bill to General Government Budget, the motion did not prevail. The question reverted back to the motion of Rep. Sloan to amend, which did not prevail, and **HB 2390** be passed as amended.

Committee report to **HB 2382** be adopted; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 106, by Representative Schwartz, congratulating Esther Horting Sallman on celebrating her 100th birthday;

Request No. 107, by Representative Brookens, commending Dillon Richmond on attaining the rank of Eagle Scout;

Request No. 108, by Representative Brookens, commending Charles Stuchlik on attaining the rank of Eagle Scout;

Request No. 109, by Representative Brookens, commending Dylan Goebel on attaining the rank of Eagle Scout;

Request No. 110, by Representative Brookens, commending Adam Molleker on attaining the rank of Eagle Scout;

Request No. 111, by Speaker Pro Tem Vickrey, on congratulating Boy Scout Troop 100 of Paola, Kansas on celebrating its 80th year charter;

Request No. 112, by Speaker Pro Tem Vickrey, congratulating the Panther Robotics Team 1108 in recognition of caturing the F.I.R.S.T. Regional Chairman's Award, Oklahoma City Regional;

Request No. 113, by Representative Mast, congratulating Alex Thompson on attaining the rank of Eagle Scout;

Request No. 114, by Representative Garber, congratulating Cara Knapp in recognition of winning the Topeka Capital Journal's 58th Annual Regional Spelling Bee:

Request No. 115, by Representative Tyson, commending Laine Raitinger for his exceptional service by providing important support services for legislators as a legislative intern;

Request No. 116, by Representative Goodman, congratulating Nathan Butler, 2010-2011 6A wrestling champion, and Jay Johnston, head wrestling coach; and the wrestling team from Leavenworth High School;

Request No. 117, by Representative Goodman, congratulating Bo Pursel, 2010-2011 5A wrestling champion, and Ron Averill, regional wrestling coach of the year, both from Lansing High School; and also congratulating the outstanding wrestling team;

Request No. 118, by Representative Mesa, congratulating Victoria Newell for her outstanding community service to Garden City, Kansas;

Request No. 119, by Representative Mesa, congratulating Leanna Guerrero on her outstanding community service to Garden City, Kansas;

Request No. 120, by Representative Mesa, congratulating Joanna Rodriguez on her outstanding community service to Garden City, Mesa;

Request No. 121, by Representative Mesa, congratulating Peter La for his outstanding community service to Garden City, Kansas;

Request No. 122, by Representative Mesa, congratulating Ricky Everrett on outstanding community service to Garden City, Kansas;

Request No. 123, by Representative Mesa, congratulating Kelsey Keosengphet on outstanding community service to Garden City, Kansas;

Request No. 124, by Representative Mesa, congratulating Detective Clint Brock for outstanding community service to Garden City, Kansas;

Request No. 125, by Representatives Broderick and Winn, congratulating Mrs. Pearl Turner on celebrating her 97th birthday;

Request No. 126, by Representative Gonzalez, congratulating Duane and Lola Williams on their 50th wedding anniversary;

Request No. 127, by Representative Gonzalez, congratulating Bill and Marie Merrifield on their 67th wedding anniversary;

Request No. 128, by Representative Bowers, commending Judie Deal on 35 years of service from the OCCK Board of Directors in March 2011;

Request No. 129, by Representative Bowers, commending CARES, Incorporated in recognition for the 1000th assistance dog placed into service;

Request No. 130, by Representative Hayzlett, congratulating Alice Summers on celebrating her 100^{th} birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said

certificates and order drafting of said resolutions.

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2406, AN ACT concerining members of the military; relating to harassment; civil cause of action; amending K.S.A. 44-1125, 44-1126 and 44-1127 and repealing the existing sections, by Committee on Taxation.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **Sub. SB 72**.

The Senate concurs in House amendments to SB 80.

The Senate concurs in House amendments to SB 125, and request return of the bill.

The Senate concurs in House amendments to SB 224.

The Senate concurs in House amendments to SB 227.

Announcing passage of HB 2080, as amended by S. Sub. for HB 2080; Sub. HB 2135, as amended; HB 2267, as amended by S. Sub. for HB 2267.

The Senate adopts the Conference Committee report on HB 2020.

The Senate adopts the Conference Committee report on **HB 2044**.

The Senate adopts the Conference Committee report on S. Sub. for HB 2049.

The Senate adopts the Conference Committee report on **HB 2104**.

The Senate adopts the Conference Committee report on HB 2105.

The Senate adopts the Conference Committee report on HB 2119.

The Senate adopts the Conference Committee report on **HB 2172**.

The Senate adopts the Conference Committee report on **HB 2192**.

The Senate adopts the Conference Committee report on Sub. HB 2271.

The Senate accedes to the request of the House for a conference on **HB 2312** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfreid, pursuant to House Rule 2311, **SB 229**, **HB 2390**, **HB 2382** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing

the existing sections; also repealing K.S.A. 75-3170, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed.

HB 2390, AN ACT concerning KAN-ED; amending K.S.A. 2010 Supp. 66-2010 and repealing the existing section; also repealing K.S.A. 2010 Supp. 75-7221, 75-7222, 75-7223, 75-7224, 75-7225, 75-7226, 75-7227 and 75-7228, was considered on final action

On roll call, the vote was: Yeas 69; Nays 51; Present but not voting: 1; Absent or not voting: 4.

Yeas: Arpke, Boman, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlson, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Swanson, Vickrey, Ward, Weber, B. Wolf.

Nays: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Montgomery, Moxley, Otto, Pauls, Peterson, Phelps, Prescott, Roth, Ruiz, Shultz, Slattery, Sloan, Spalding, Tietze, Trimmer, Tyson, Victors, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: Collins.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed, as amended.

HB 2382, AN ACT making and concerning appropriations for the fiscal years ending June, 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain

transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Hayzlett, Henderson, Hermanson, Hill, Hineman, Hoffman, C. Holmes, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Arpke, Boman, Brown, Brunk, DeGraaf, Donohoe, Frownfelter, Garber, S. Gatewood, Gregory, Grosserode, Hedke, Henry, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kinzer, Landwehr, Mah, Meigs, O'Hara, Patton, Rubin, Scapa, Smith, Tyson. Ward. Williams.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Worley.

The bill passed, as amended.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 23 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 23, as follows:

On page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 12 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the secretary at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.":

Also on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 through 20 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17

years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the commissioner at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, following line 22, by inserting the following:

- "Sec. 3. K.S.A. 2010 Supp. 38-2241 is hereby amended to read as follows: 38-2241.
 (a) Jurisdiction of the court. Parties and interested parties in a child in need of care proceedings are subject to the jurisdiction of the court.
- (b) *Rights of parties*. Subject to the authority of the court to rule on the admissibility of evidence and provide for the orderly conduct of the proceedings, the rights of parties to participate in a child in need of care proceeding include, but are not limited to:
- (1) Notice in accordance with K.S.A. 2010 Supp. 38-2236 and 38-2239, and amendments thereto;
- (2) present oral or written evidence and argument, to call and cross-examine witnesses; and
- (3) representation by an attorney in accordance with K.S.A. 2010 Supp. 38-2205, and amendments thereto
- (c) Grandparents as interested parties. (1) A grandparent of the child shall be made an interested party to a child in need of care proceeding if the grandparent notifies the court of such grandparent's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.
- (2) Grandparents with interested party status shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child. A grandparent may not be prevented under this paragraph from attending the proceedings, having access to the child's official file in the court records or making a statement to the court.
- (d) Persons with whom the child has been residing as interested parties. (1) Any person with whom the child has resided for a significant period of time within six months of the date the child in need of care petition is filed shall be made an interested party, if such person notifies the court of such person's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.
- (2) Persons with interested party status under this subsection shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child.
- (e) Other interested parties. (1) Any person with whom the child has resided at any time, who is within the fourth degree of relationship to the child, or to whom the child has close emotional ties may, upon motion, be made an interested party if the court determines that it is in the best interests of the child.
- (2) Any other person or Indian tribe seeking to intervene that is not a party may, upon motion, be made an interested party if the court determines that the person or tribe has a sufficient relationship with the child to warrant interested party status or that the person's or tribe's participation would be beneficial to the proceedings.
- (3) The court may, upon its own motion, make any person an interested party if the court determines that interested party status would be in the best interests of the child.

- (f) Procedure for determining, denying or terminating interested party status. (1) Upon the request of the court, the secretary shall investigate the advisability of granting interested party status under this section and report findings and recommendations to the court.
- (2) The court may deny or terminate interested party status under this subsection if the court determines, after notice and a hearing, that a person does not qualify for interested party status or that there is good cause to deny or terminate interested party status
- (3) A person who is denied interested party status or whose status as an interested party has been terminated may petition for review of the denial or termination by the chief judge of the district in which the court having jurisdiction over the child in need of care proceeding is located, or a judge designated by the chief judge. The chief judge or the chief judge's designee shall review the denial or termination within 30 days of receiving the petition. The child in need of care proceeding shall not be stayed pending resolution of the petition for review.";

And by renumbering remaining sections accordingly;

On page 8, in line 43, after "Supp." by inserting "38-2241,";

On page 1, in the title, in line 1, before "relating" by inserting "relating to grandparents as interested parties;"; in line 3, by striking "need of care" and inserting "the custody of the commissioner"; also in line 3, after "Supp." by inserting "38-2241,"; And your committee on conference recommends the adoption of this report.

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House
THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **H. Sub. for SB 23** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey,

Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Davis, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** submits the following report:

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

On page 2, in line 37 by striking all after "remitted"; by striking all in line 38; And your committee on conference recommends the adoption of this report.

SCOTT SCHWAB
MARIO GOICO
ANN E. MAH
Conferees on part of House
TETRRIE HUNTINGTON
VICKI SCHMIDT
MARCI FRANCISCO
Conferees on part of Senate

On motion of Rep. Schwab, the conference committee report on **SB** 67 was adopted. On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Brown, Carlin, Meier, Ruiz, Tyson, Winn.

Present but not voting: None.

Absent or not voting: Calloway, Davis, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB** 77 submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

Anthony R. Brown
Gene Suellentrop
Mike Slattery
Conferees on part of House
Susan Wagle
Julia Lynn
G. Thomas Holland II
Conferees on part of Senate

On motion of Rep. Brown the conference committee report on SB 77 to agree to disagree was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Brown, Suellentrop, and Slattery as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee by appointed;

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

Lance Kinzer
Joe Patton
Janice L. Pauls
Conferees on part of House
Pete Brungardt
Roger P. Reitz
Conferees on part of Senate

On motion of Rep. Kinzer, the conference committee on SB 93 to agree to disagree was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Kinzer, Patton and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 123** submits the following report:

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

On page 2, in line 5, by striking "160" and inserting "320"; following line 15 by inserting "(3) The provisions of this subsection shall not apply to any purchase of land by the secretary, which is less than 640 acres in the aggregate and owned by a private individual, if the purchase price is an amount less than such land's appraised

valuation.";

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

LARRY R. POWELL
DAN KERSCHEN
JERRY WILLIAMS
Conferees on part of House
RALPH OSTMEYER
CAROLYN McGINN
MARCI FRANCISCO
Conferees on part of Senate

On motion of Rep. Powell, the conference committee report on **SB 123** was adopted. On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, B, Wolf, K. Wolf, Wolfe Moore.

Nays: Burroughs, Davis, Dillmore, Feuerborn, Flaharty, Grosserode, Henderson, Hildabrand, Kelley, Kinzer, Landwehr, Lane, Mast, Meier, Meigs, Seiwert, Smith, Suellentrop, Ward, Winn.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, O'Neal, Peterson, Worley.

EXPLANATION OF VOTE

Mr. Speaker: I vote no on SB 123 because I do not believe Wildlife and Parks should be able to buy land without state legislature approval. Private lands should be owned by private citizens who pay taxes on the land and not government agencies who use tax money to buy land. - Joe Seiwert

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 213**, submits the following report:

The House recedes from all of its amendments to the bill;

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

GARY K. HAYZLETT WILLIE PRESCOTT

VINCENT WETTA

Conferees on part of House

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **H. Sub. for SB 213** was adopted.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: S. Gatewood, Grosserode, Knox, Victors.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 214** 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. 214, as follows:

On page 3, in line 42, preceding the period by inserting "per eligible voter"; And your committee on conference recommends the adoption of this report.

LARRY R. POWELL
DAN KERSCHEN
JERRY WILLIAMS
Conferees on part of House
RALPH OSTMEYER
CAROLYN McGINN
MARCI FRANCISCO
Conferees on part of Senate

On motion of Rep. Powell, the conference committee report on **H. Sub. for SB 214** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, We ber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2192** 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, after line 7, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of \$10 \$15 per hour or part thereof, with a minimum charge of \$10 \$15, and on and after July 1, 2012. a charge of \$20 per hour or part thereof, with a minimum charge of \$20, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in

lieu of a nonhighway certificate of title or to obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

- (b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of \$10 \$15 per hour or part thereof, with a minimum charge of \$10, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection (b)-shall not be required to obtain a valid Kansas title or registration.
- (c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.
 - (d) The checks made under subsection (b) may be made by:
 - (1) A designee of the superintendent of the Kansas highway patrol; or
- (2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee or new vehicle dealer, \$1 10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee or new vehicle dealer. If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection. When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol or when a check is made under subsection (b) by an employee of a new vehicle dealer, the entire amount of the charge therefor shall be paid to the highway patrol.
- (e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.
- (f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of

the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles that a new vehicle dealer purchases through a manufacturer's sponsored auction or on motor vehicles repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.

- Sec. 2. K.S.A. 2010 Supp. 8-173 is hereby amended to read as follows: 8-173. (a) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted unless the person making such application shall exhibit:
- (1) A receipt showing that such person has paid all personal property taxes levied against such person for the preceding year, including taxes upon such vehicle, except that if such application is made before May 11, such receipt need show payment of only one-half the preceding year's tax; or
- (2) evidence that such vehicle was assessed for taxation purposes by a state agency, or was assessed as stock in trade of a merchant or manufacturer or was exempt from taxation under the laws of this state.
- (b) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated shall not be accepted if the records of the county treasurer show that the applicant is delinquent and owes personal property taxes levied against the applicant for any preceding year.
- (c) An <u>original</u> application for registration or renewal of registration of a motor vehicle shall not be accepted until the applicant signs a certification, provided by the director of motor vehicles, certifying that the applicant has and will maintain, during the period of registration, the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto.
- An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self-insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy or facsimile of any of these documents shall suffice for verification of registration or renewal. Proof of insurance may also be verified on-line or electronically and the commissioner of insurance may require, by duly adopted rules and regulations, any motor vehicle liability insurance company authorized to do business in this state to provide verification of insurance in that manner. Any motor vehicle liability insurance company which is providing verification of insurance on-line or electronically on the day

preceding the effective date of this act may continue to do so in the same manner and shall be deemed to be in compliance with this section.";

On page 5, after line 21, by inserting:

- "Sec. 5. K.S.A. 2010 Supp. 8-1558 is hereby amended to read as follows: 8-1558. (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
 - (1) In any urban district, 30 miles per hour;
- (2) on any separated multilane highway, as designated and posted by the secretary of transportation, $\frac{70}{25}$ miles per hour;
 - (3) on any county or township highway, 55 miles per hour; and]
 - (4) on all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.
- (c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.
- Sec. 6. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. (a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- (b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70 75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.
- Sec. 7. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 70 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.
- Sec. 8. K.S.A. 8-2204 is hereby amended to read as follows: 8-2204. This act shall be known and may be cited as the uniform act regulating traffic on highways. The uniform act regulating traffic on highways includes K.S.A. 8-1560a through 8-1560d; all sections located in articles 10, and 14 through 22 and 25 of chapter 8 of the Kansas Statutes Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and K.S.A. 8-

- 1599, and amendments thereto.
- Sec. 9. K.S.A. 2010 Supp. 8-2503 is hereby amended to read as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b) or (e)subsection (b):
- (1) Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion and
- (b)(2) each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.
 - (e)(b) This section does not apply to:
- (1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
- (2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; or
- (3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or.
- (4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.
- (d)(c) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.
- (e)(d) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. § 402.
- (f)(e) Law enforcement officers shall not stop drivers for violations of subsection (a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.
- Sec. 10. K.S.A. 2010 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a) (1) From and after the effective date of this act and prior to June 30, 2010, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503, and amendments thereto;
- (2) from and after June 30, 2010, until July 1, 2011, Persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$5 including and no court costs:
- (3) and, from and after July 1, 2011, persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 including and no court costs; and
- (4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60-including-and no court costs.
 - (b) No court shall report violation of this act to the department of revenue.
- (c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(d) The provisions of this section shall be applicable and uniform throughout the state and no city, county, subdivision or local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of this section. ";

And by renumbering the remaining sections accordingly;

Also on page 5, in line 23, after "8-1516" by inserting "and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504";

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before "amending" and inserting "concerning vehicles; relating to the regulation and registration thereof;"; in line 4, after "8-1516" by inserting" and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504":

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

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate
GARY K. HAYZLETT
WILLIE PRESCOTT
VINCENT WETTA
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on ${\bf HB~2192}$ was adopted.

On roll call, the vote was: Yeas 107; Nays 13; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: DeGraaf, Dillmore, Flaharty, Garber, S. Gatewood, Grosserode, Henderson, Howell, Knox, McLeland, Peck, Smith, Suellentrop.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

MESSAGE FROM THE SENATE

The Senate nonconcurs in House amendments to **H. Sub. for SB 36**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part

of the Senate.

The Senate adopts the Conference Committee report on Sub. HB 2134.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 36**.

Speaker pro tem Vickrey thereupon appointed Reps. Kinzer, Patton and Pauls as conferees on the part of the House.

The House stood at ease until the sound of the gavel.

Speaker O'Neal called the House to order.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2134** submits the following report:

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

On page 3, in line 24, after "(a)" by inserting "(1)"; in line 26, by striking "(1)" and inserting "(A)"; in line 27, by striking "(2)" and inserting "(B)"; in line 30, by striking

- "(3)" and inserting "(C)"; following line 31 by inserting the following:
- "(D) the employee's reckless violation of their employer's workplace safety rules or regulations; or
- (E) the employee's voluntary participation in fighting or horseplay with a coemployee for any reason, work related or otherwise.
- (2) Subparagraphs (B) and (C) of paragraph (1) of subsection (a) shall not apply when it was reasonable under the totality of the circumstances to not use such equipment, or if the employer approved the work engaged in at the time of an accident or injury to be performed without such equipment.":

On page 9, in line 19, by striking "unincorporate" and inserting "unincorporated";

On page 11, in line 17, by striking "or events";

On page 12, in line 29, by striking "or repetitive trauma" and inserting ", repetitive trauma or occupational disease"; in line 31, by striking """; in line 32, by striking """;

On page 13, in line 29, before "of" by inserting "owned or under the exclusive control"; in line 32, before "and" by inserting "connected with the nature of the employment that is not a risk or hazard to which the general public is exposed":

On page 14, in line 22, by striking "The "prevailing factor" is defined as" and inserting ""Prevailing" as it relates to the term "factor" means"; in line 29, before the period by inserting "unless a higher burden of proof is specifically required by this act";

On page 16, in line 7, by striking "medical" and inserting "health care"; in line 20, before "injury" by inserting "accident or "; in line 30, before "injury" by inserting "accident or ":

On page 24, in line 29, before "injury" by inserting "whole body":

On page 26, in line 4, after "impairment" by inserting "("work disability")":

On page 27, in line 39, by striking all after "for"; by striking all in line 40; in line 41, by striking all before "shall" and inserting "whole body injury under this section";

On page 28, in line 9, by striking all after "of"; in line 10, by striking all before the period and inserting:

"functional impairment pursuant to subsection (a)(2)(B) or the percentage of work disability pursuant to subsection (a)(2)(C), whichever is applicable.

(3) When an injured worker is eligible to receive an award of work disability, compensation is limited to the value of the work disability as calculated above. In no case shall functional impairment and work disability be awarded together.";

On page 32, in line 17, by striking "medical" and inserting "health care"; in line 19, by striking "medical" and inserting "health care";

On page 40, in line 40, after "(a)" by inserting "(1)";

On page 41, by striking all in lines 21 and 22 and inserting "by the earliest of the following dates:

- (A) 30 calendar days from the date of accident or the date of injury by repetitive trauma;
- (B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or
- (C) if the employee no longer works for the employer against whom benefits are being sought, 20 calendar days after the employee's last day of actual work for the employer.":

Also on page 41, in line 24, by striking "(1)" and inserting "(2)"; in line 30 by striking "(2)" and inserting "(3)"; in line 34 by striking "(3)" and inserting "(4)"; in line 43, by striking "30-day" and inserting "applicable"; also in line 43, after "in" by inserting "paragraph (1) of";

On page 50, in line 3, by striking "injury" and inserting "accident";

On page 53, following line 25, by inserting the following:

"(d) The certified short hand reporter's fee shall be taxed to the division of workers compensation if a fee is incurred and no record is taken.":

On page 60, in line 12 by striking "and 44-552" and inserting ", 44-552 and 44-596"; in line 13, after "after" by inserting "May 15, 2011, and";

On page 1, in the title, in line 7, before the period by inserting "and K.S.A. 2010 Supp. 44-596";

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

Susan Wagle
Julia Lynn
G. Thomas Holland II
Conferees on part of Senate
Anthony R. Brown
Gene Suellentrop
Mike Slattery
Conferees on part of House

On motion of Rep. Brown, the conference committee on S. Sub. for HB 2134 was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Gordon, Peterson, Worley.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2407, AN ACT concerning taxation; relating to income tax, rates; sales taxation, distribution of revenues; amending K.S.A. 2010 Supp. 79-32,110, 79-3620 and 79-3710 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2035, HB 2067, HB 2118 reported correctly re-engrossed April 1, 2011.

REPORT ON ENROLLED BILLS

S. Sub. for HB 2008; HB 2028, HB 2056, HB 2060, HB 2074, HB 2082, HB 2122, HB 2124, HB 2125; S. Sub. for HB 2132; HB 2184, HB 2218, HB 2227, HB 2339 reported correctly enrolled, properly signed and presented to the Governor on April 1, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, April 27, 2011.

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, April 27, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Fund was excused on verified illness.

Prayer by guest chaplain, the Rev. Brian Bauer, pastor, Assaria Lutheran Church, and guest of Rep. Johnson:

Gracious God.

As we gather here today to do the work of the people, help us, we pray, to make the decisions and priorities that are most needful.

As we shape our laws, keep us focused on your will.

May what we say and what we do here be directed by your revealed Word, and by the love and care you have continually shown us in your mercy.

Guide our actions so that what is needed for Kansas and the world will be our only consideration. Teach us to put away the petty needs of party and self.

Keep our eyes open so that we may see what you would have us see. Drive from us cynicism, selfishness, and corruption; grant in your mercy just and honest government..

Fill us all with a righteous desire to serve the people faithfully and well; just as your faithfulness to us and all creation gives us daily cause to rejoice.

In your precious name, we pray. Amen.

The Pledge of Allegiance was led by Rep. Otto.

Kansas Trivia Question – Travelers who took the Oregon/California Trail knew that they shouldn't begin their journey until the first of May. Why?

Answer: If they left too early there would not be enough grass for their livestock.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: Sub. SB 234.

Judiciary: **HB 2406**. Taxation: **HB 2407**.

INTRODUCTION OF GUESTS

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

As you are all aware, my seat mate for the past two years and a fellow Kansas Representative from District 50 has been seriously ill and has missed this legislative session. Rocky asked me to introduce our special guest and talk about the accomplishments of both Nathan McAlister and his Middle School class in Mayetta, Kansas.

In the spring of 2010, Nathan McAlister's 7th grade students researched local Underground Railroad history, drafted a bill in class requesting that a portion of a nearby highway serve as an Underground Railroad trail. Representative Fund introduced the bill, the students testified in the Committee and the bill passed the House naming the Lane Freedom Trail.

Nathan McAlister was then later named the 2010 Kansas History Teacher of the Year and went on to be recognized as the 2010 National History Teacher of the Year by the Gilder-Lehrman Institute of American History in New York. I am honored to introduce Mr. McAlister for my friend and colleague, Rep. Rocky Fund. Please join me in recognizing an exceptional teacher in the state of Kansas.

Rep. Proehl presented Mr. McAlister with a House certificate.

MESSAGES FROM THE GOVERNOR

HB 2122 approved on April 7, 2011.

Also, S. Sub. for HB 2008; HB 2028, HB 2056, HB 2060, HB 2074, HB 2082, HB 2124, HB 2125; S. Sub. for HB 2132; HB 2184, HB 2218, HB 2227, HB 2339 approved on April 8, 2011.

Also, HB 2035 approved on April 12, 2011.

Also, HB 2118, HB 2192 approved on April 13, 2011.

Also, **HB 2067**; **Sub. HB 2134** approved on April 18, 2011.

MESSAGE FROM THE GOVERNOR

April 7, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-06 for your information.

EXECUTIVE ORDER No. 11-06
Declaration of Drought Watch and Warning
SAM Brownback
Governor

The above Executive Order is on file and open for inspection in the office of the

Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 26, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-07 for your information.

EXECUTIVE ORDER No. 11-07
Conditional and Temporary Relief from Motor
Carrier Rules and Regulations
SAM BROWNBACK
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF GUESTS

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

I don't want to brag, but why not. This team has had victories for the state title 1A division basketball for the past two years. It is hard to know where to start the bragging, but I think it has to begin with a winning coach who has coached for 33 years since 1978 for the high school and had 718 wins and only 95 losses. He has also coached the Jr. High girls for 30 years with a record of 303 wins and only 47 losses. That totals up to 1021 wins and 142 losses. Coach Jesse Nelson has a special talent for working with young females and helping them become winners. You know he has to love them to be that effective.

The team is definitely something to brag about. These girls excel in more than sports with their overall winning ways. Junior Kendyl McDougald, sophomore Janae Haag and senior Kathryn Flott all gained 2010-2011 area basketball team recognition. This team has also set a state record with 60 consecutive league wins between 2000 and 2011 losing only two league games in that time. The Olpe Girls' Basketball team is currently riding a 94 game home winning streak believed to be the current state record.

The Olpe girls have won 23 league championships and 23 league tournament championships. The Seniors on this team have 100 wins and suffered only four losses.

Kathryn has also been named Most Valuable player at the Flint Hills Optimist All Star Classic as well as being nominated as one of McDonald's High School All-American basketball players.

Rep. Mast introduced Coach Jesse Nelson; Assistant Coach Carolyn Davis; and team members Katelyn Henderson, Kendyl McDougald, Natalie Kuhlmann, Jill Cole, Janae Haag, Emmy Redeker, Elena Flott, Kathryn Flott, Kayla McDougald, Emily Samuels, Taylor Scheidegger, Dalten Benton and Cara Garretson.

Rep. Mast presented them with a framed House certificate.

COMMUNICATIONS FROM STATE OFFICERS

From Nick Jordan, Secretary, Kansas Department of Revenue, pursuant to K.S.A. 74-50,118(c), Annual Report of the Kansas Enterprise Zone Act.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carlin, **HR 6022**, by Reps. Carlin, DeGraaf, Mah and Meier, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6022—

A RESOLUTION recognizing April as the month of the military child.

WHEREAS, Former secretary of defense, Caspar Weinberger, established April as the month of the military child in 1986; and

WHEREAS, There are more than 1.7 million American military children and over 33,000 Kansas military children; and

WHEREAS, These military children face unique challenges and make daily sacrifices for the service of their military parents; and

WHEREAS, Despite the burdens they shoulder, military children show incredible strength, character and resolve in their ability to adapt and thrive in often difficult circumstances; and

WHEREAS, Military children have incredible opportunities to see the world, learn about different cultures first hand and meet people of various races, nationalities and religions; and

WHEREAS, The United States military strives to provide the best educational facilities and instructors for its military children; and

WHEREAS, Military children embody the community ideals of patriotism, loyalty, responsibility and courage: Now. therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the month of April as the month of the military child and congratulate and commend the military children of Kansas for the sacrifices they make, the challenges they overcome and the contributions they make to the state of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 20 enrolled copies of this resolution to Representative Carlin.

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

"Celebrate Military Children, the Strength of our Future." April is the month of the military child. We have with us today to help us celebrate, members of the Teen Council, a statewide teen organization; Brigadier General Randal Dragon, Ft. Riley; Brigadier General Bradley Link, Kansas Air National Guard, Topeka; and Tyler Lisbon "2010 Youth of the Year." With this resolution we acknowledge that when a parent serves in the military, the children also serve through additional responsibilities at home and in their communities.

On motion of Rep. Siegfreid, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Rep. Carlson as a member of the conference committee on **HB 2014** to replace Rep. Kelley.

Also, the appointment of Rep. Loganbill as a member of the conference committee on **H. Sub. for SB 36** to replace Rep. Pauls.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2020**, submits the following report:

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

On page 1, in line 10, before "K.S.A." by inserting "On July 1, 2011,";

On page 2, following line 34, by inserting the following:

- "Sec. 2. K.S.A. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be transferred to the permanent custody of a prospective owner by a pound or animal shelter, as defined by K.S.A. 47-1701, and amendments thereto, or by a humane society, unless:
- (1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or
- (2) the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the pound or animal shelter funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the pound or animal shelter shall keep the deposit and may reclaim the unspayed or unneutered animal.
- (b) No person shall spay or neuter any dog or cat for or on behalf of a pound or animal shelter unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program and as part of the curriculum under the direct supervision of a licensed veterinarian who is a faculty member at the Kansas state-university veterinary medical center. The spay or neuter program shall only beconducted at the surgery clinic at the Kansas state university medical center in-Manhattan, Kansas. Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a

member of the public. No pound or animal shelter shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such pound or animal shelter. Any premises located in the state of Kansas where the spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners.

- (c) With the written approval of the livestock commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the pound or shelter can prove to the commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.
- (d) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner within the holding period established in K.S.A. 47-1710, and amendments thereto.
- (e) The livestock commissioner shall promulgate rules and regulations as may be necessary to carry out the provisions of this section.
- Sec. 3. On July 1, 2011, K.S.A. 2010 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. (a) This section is subject to the provisions of K.S.A. 2010 Supp. 74-32,181a. and amendments thereto.
- (b) (a) The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation not to exceed the following amounts by adopting rules and regulations for such purposes, subject to the following limitations:
- (1) For institutions domiciled or having their principal place of business within the state of Kansas:

	0100
Program modification fee, for each program.	\$100
Branch campus site fees, for each branch campus site: Initial non-degree granting institution.	\$1,500
Initial degree granting institution.	\$2,500
Renewal branch campus site fees, for each branch campus site: Non-degree granting institution2% of gross tuition, but not less than \$800, nor more that	625 000
Degree granting institution2% of gross tuition, but not less than \$1,600, nor more that	<u>.n \$25,000</u>
Onsite branch campus review fee, for each site.	\$230
Representative fees: Initial registration.	\$200
Renewal of registration.	
Late submission of renewal of application fee.	\$125
Student transcript copy fee.	
Returned check fee	\$50
Changes in institution profile fees:	550
Change of institution name.	\$100
Change of institution location.	\$100
Change of ownership only	
(2) For institutions domiciled or having their principal place of business	
the state of Kansas:	35 Outside
	\$2.400
Initial issuance of certificate of approval nondegree granting — not more than	
Initial issuance of certificate of approval degree granting — not more than	
Renewal of certificate of approval nondegree granting — not more than	
Renewal of certificate of approval degree granting — not more than	\$2,800
Initial registration of representative — not more than	
Annual renewal of registration of representative — not more than	\$200
Student transcript from institution that has ceased operation — not more than:	\$10
Initial application fees:	
Non-degree granting institution.	\$4,000
Degree granting institution.	\$5,500
Initial evaluation fee (in addition to initial application fees):	
Non-degree level.	\$1,500
Associate degree level	\$2,000
Baccalaureate degree level	\$3,000
Master's degree level	\$4,000
Professional or doctoral degree level	\$5,000
Renewal application fees:	
Non-degree granting institution 3% of gross tuition, but not less than \$2,400 nor more the	
Degree granting institution3% of gross tuition, but not less than \$3,000 nor more than	<u>1an \$25,000</u>
New program submission fees, for each new program:	
Non-degree program.	\$500
Associate degree program	
Baccalaureate degree program.	\$1,000
Master's degree program.	\$1,500
Professional or doctoral degree program	
Program modification fee, for each program.	\$100
Branch campus site fees, for each branch campus site:	64.000
Initial non-degree granting institution. Initial degree granting institution.	\$4,000 \$5,500
Renewal branch campus site fees, for each branch campus site:	ss,500
Non-degree granting institution 3% of gross tuition, but not less than \$2,400 nor more the	nan \$25 000
ivon-degree granting institution 3 /6 or gross tuition, but not less than \$2,400 nor more th	1a11 \$45,000

Degree granting institution3% of gross tuition, but not less than \$3,000 nor more than \$25,000
Onsite branch campus review fee, for each site\$500
Representative fees:
Initial registration\$350
Renewal of registration. \$250
Late submission of renewal of application fee
Student transcript copy fee \$10
Returned check fee
Changes in institution profile fees:
Change of institution name
Change of institution location
Change of ownership only \$100

- (e) (b) Fees shall not be refundable.
- (d) (c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.
- (e) (d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.
- (f) (e) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.
- (g) (f) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.
 - (g) The provisions of this section shall expire on June 30, 2012.";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 35, before "K.S.A." by inserting "On July 1, 2011,";

On page 3, in line 34, before "K.S.A." by inserting "On July 1, 2011,"; also in line 34, after "Supp." by inserting "74-32,181, 74-32,181a and"; following line 35, by inserting the following:

"Sec. 6. K.S.A. 47-1731 is hereby repealed.";

And by renumbering the remaining section accordingly;

Also on page 3, in line 37, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 5, before "authorizing" by inserting "relating to fees imposed under the Kansas private and out-of-state postsecondary educational institution act; relating to certain veterinary practices by students;"; in line 6, after "and" where it appears the first time, by inserting "47-1731 and"; also in line 6, after "Supp." by inserting "74-32,181 and"; in line 7, before the period, by inserting "; also repealing K.S.A. 2010 Supp. 74-32,181a";

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

Jean Kurtis Schodorf John Vratil Anthony Hensley Conferees on part of Senate

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House

On motion of Rep. Aurand, the conference committee report on HB 2020 was adopted.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Landwehr, Tyson.

Present but not voting: None.

Absent or not voting: Brown, Fund, Hineman, Kelley, O'Neal, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044**, 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, in line 27, by striking "5" and inserting "6"; also in line 27, before the period, by inserting ", except as provided in subsection (a)(5)"; following line 27, by inserting "(5) The death of any person, if the person knew or reasonably should have known that such accident resulted in injury or death.";

On page 4, in line 38, following "40" by inserting "of chapter 136 of the 2010 Session Laws of Kansas";

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

DWAYNE UMBARGER
KELLY KULTALA
BOB MARSHALL
Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

On motion of Rep. Colloton to not adopt the conference committee report on **HB 2044** and that a new conference committee be appointed, the motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049**, 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 HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22;

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

"(10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU 211.";

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

Vicki Schmidt
Pete Brungardt
Laura Kelly
Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

On motion of Rep. Colloton to not adopt the conference committee report on S. Sub. for HB 2049 and that a new conference committee be appointed, the motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2076** 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, in line 10, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 2, in line 39, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 3, in line 38, before "(a)" by inserting "From and after July 1, 2011,";

On page 5, in line 16, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 6, following line 31, by inserting the following:

"New Sec. 5. Sections 5 through 7, and amendments thereto, may be cited as the Surplus Lines Insurance Multi-State Compliance Compact.

PREAMBLE

WHEREAS, with regard to Non-Admitted Insurance policies with risk exposures located in multiple states, the 111th United States Congress, has stipulated in Title V, Subtitle B the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, hereafter, the NRRA, that:

- (A) The placement of Non-Admitted Insurance shall be subject to the statutory and regulatory requirements solely of the insured's Home State, and
- (B) Any law, regulation, provision, or action of any State that applies or purports to apply to Non-Admitted Insurance sold to, solicited by, or negotiated with an insured whose Home State is another State shall be preempted with respect to such application; except that any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a Non-Admitted Insurer shall not be preempted.

WHEREAS, in compliance with NRRA, no State other than the Home State of an insured may require any Premium Tax payment for Non-Admitted Insurance; and no State other than an insured's Home State may require a Surplus Lines Broker to be licensed in order to sell, solicit, or negotiate Non-Admitted Insurance with respect to such insured:

WHEREAS, the NRRA intends that the States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's Home State; and that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provide for the reporting, payment, collection, and allocation of premium taxes for Non-Admitted Insurance;

WHEREAS, after the expiration of the two-year period beginning on the date of the enactment of the NRRA, a State may not collect any fees relating to licensing of an individual or entity as a Surplus Lines Licensee in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of Surplus Lines Licensees and the renewal of such licenses:

WHEREAS, a need exists for a system of regulation that will provide for Surplus Lines Insurance to be placed with reputable and financially sound Non-Admitted Insurers, and that will permit orderly access to Surplus Lines Insurance in this state and encourage insurers to make new and innovative types of insurance available to consumers in this state;

WHEREAS, protecting the revenue of this state and other Compacting States may be accomplished by facilitating the payment and collection of Premium Tax on Non-

Admitted Insurance and providing for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with Uniform Allocation Formulas:

WHEREAS, the efficiency of the surplus lines market may be improved by eliminating duplicative and inconsistent tax and regulatory requirements among the States, and by promoting and protecting the interests of Surplus Lines Licensees who assist such insureds and Non-Admitted Insurers, thereby ensuring the continued availability of Non-Admitted Insurance to consumers;

WHEREAS, regulatory compliance with respect to Non-Admitted Insurance placements may be streamlined by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers;

WHEREAS, coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping offices, with respect to Non-Admitted Insurance will be improved;

NOW, THEREFORE, in consideration of the foregoing, the State of Kansas and the various other States do hereby solemnly covenant and agree, each with the other as follows:

ARTICLE I Purpose

The purposes of this Compact are:

- 1. To implement the express provisions of the NRRA.
- 2. To protect the Premium Tax revenues of the Compacting States through facilitating the payment and collection of Premium Tax on Non-Admitted Insurance; and to protect the interests of the Compacting States by supporting the continued availability of such insurance to consumers; and to provide for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with uniform Allocation Formulas to be developed, adopted, and implemented by the Commission.
- 3. To streamline and improve the efficiency of the surplus lines market by eliminating duplicative and inconsistent tax and regulatory requirements among the States; and promote and protect the interest of Surplus Lines Licensees who assist such insureds and Surplus Lines Insurers, thereby ensuring the continued availability of Surplus Lines Insurance to consumers.
- 4. To streamline regulatory compliance with respect to Non-Admitted Insurance placements by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers.
- 5. To establish a Clearinghouse for receipt and dissemination of Premium Tax and Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission.
- 6. To improve coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping

offices, with respect to Non-Admitted Insurance.

- 7. To adopt uniform Rules to provide for Premium Tax payment, reporting, allocation, data collection and dissemination for Non-Admitted Insurance of Multi-State Risks and Single-State Risks, in accordance with Rules to be adopted by the Commission, thereby promoting the overall efficiency of the Non-Admitted Insurance market.
- 8. To adopt uniform mandatory Rules with respect to regulatory compliance requirements for:
 - (i) foreign Insurer Eligibility Requirements;
 - (ii) surplus lines Policyholder Notices;
- 9. To establish the Surplus Lines Insurance Multi-State Compliance Compact Commission.
- 10. To coordinate reporting of Clearinghouse Transaction Data on Non-Admitted Insurance of Multi-State Risks among Compacting States and Contracting States.
- 11. To perform these and such other related functions as may be consistent with the purposes of the Surplus Lines Insurance Multi-State Compliance Compact.

ARTICLE II Definitions

For purposes of this Compact the following definitions shall apply:

- 1. "Admitted Insurer" means an insurer that is licensed, or authorized, to transact the business of insurance under the law of the Home State; for purposes of this Compact "Admitted Insurer" shall not include a domestic surplus lines insurer as may be defined by applicable State law.
- 2. "Affiliate" means with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.
- 3. "Allocation Formula" means the uniform methods promulgated by the Commission by which insured risk exposures will be apportioned to each State for the purpose of calculating Premium Taxes due.
- 4. "Bylaws" means those bylaws established by the Commission for its governance, or for directing or controlling the Commission's actions or conduct.
- 5. "Clearinghouse" means the Commission's operations involving the acceptance, processing, and dissemination, among the Compacting States, Contracting States, Surplus Lines Licensees, insureds and other persons, of Premium Tax and Clearinghouse Transaction Data for Non-Admitted Insurance of Multi-State Risks, in accordance with this Compact and Rules to be adopted by the Commission.
- 6. "Clearinghouse Transaction Data" means the information regarding Non-Admitted Insurance of Multi-State Risks required to be reported, accepted, collected, processed, and disseminated by Surplus Lines Licensees for Surplus Lines Insurance and insureds for Independently Procured Insurance under this Compact and Rules to be adopted by the Commission. Clearinghouse Transaction Data includes information related to Single-State Risks if a state elects to have the Clearinghouse collect taxes on Single-State Risks for such state.
- 7. "Compacting State" means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.
- 8. "Commission" means the "Surplus Lines Insurance Multi-State Compliance Compact Commission" established by this Compact.

- 9. "Commissioner" means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator or their designees.
- 10. "Contracting State" means any State which has not enacted this Compact legislation but has entered into a written contract with the Commission to utilize the services of and fully participate in the Clearinghouse.
 - 11. "Control" An entity has "control" over another entity if:
- (A) The entity directly or indirectly or acting through one or more other persons own, controls, or has the power to vote 25% or more of any class of voting securities of the other entity; or
- (B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.
 - 12 "Home State"
- (A) IN GENERAL. Except as provided in subparagraph (B), the term "Home State" means, with respect to an insured:
- (i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or
- (ii) if 100% of the insured risk is located out of the State referred to in subparagraph (A)(i), the State to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.
- (B) AFFILIATED GROUPS. If more than one insured from an affiliated group are named insureds on a single Non-Admitted Insurance contract, the term "Home State" means the Home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.
- 13. "Independently Procured Insurance" means insurance procured by an insured directly from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted by the laws of the Home State.
- 14. "Insurer Eligibility Requirements" means the criteria, forms and procedures established to qualify as a Surplus Lines Insurer under the law of the Home State provided that such criteria, forms and procedures are consistent with the express provisions of the NRRA on and after July 21, 2011.
- 15. "Member" means the person or persons chosen by a Compacting State as its representative or representatives to the Commission provided that each Compacting State shall be limited to one vote.
 - 16. "Multi-State Risk" means a risk with insured exposures in more than one State.
 - 17. "Non-Compacting State" means any State which has not adopted this Compact.
- 18. "Non-Admitted Insurance" means Surplus Lines Insurance and Independently Procured Insurance
- 19. "Non-Admitted Insurer" means an insurer that is not authorized or admitted to transact the business of insurance under the law of the Home State.
- 20. "NRRA" means the Non-Admitted and Reinsurance Reform Act which is Title V, Subtitle B of the Dodd-Frank Wall Street Reform and Consumer Protection Act.
- 21. "Policyholder Notice" means the disclosure notice or stamp that is required to be furnished to the applicant or policyholder in connection with a Surplus Lines Insurance placement.
 - 22. "Premium Tax" means with respect to Non-Admitted Insurance, any tax, fee,

assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

- 23. "Principal Place of Business" means with respect to determining the Home State of the insured, the state where the insured maintains its headquarters and where the insured's high-level officers direct, control and coordinate the business activities of the insured.
- 24. "Purchasing Group" means any group formed pursuant to the Liability Risk Retention Act which has as one of its purposes the purchase of liability insurance on a group basis, purchases such insurance only for its group members and only to cover their similar or related liability exposure and is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations and is domiciled in any State.
- 25. "Rule" means a statement of general or particular applicability and future effect promulgated by the Commission designed to implement, interpret, or prescribe law or policy or describing the organization, procedure or practice requirements of the Commission which shall have the force and effect of law in the Compacting States.
 - 26. "Single-State Risk" means a risk with insured exposures in only one State.
 - 27. "State" means any state, district or territory of the United States of America.
- 28. "State Transaction Documentation" means the information required under the laws of the Home State to be filed by Surplus Lines Licensees in order to report Surplus Lines Insurance and verify compliance with surplus lines laws, and by insureds in order to report Independently Procured Insurance.
- 29. "Surplus Lines Insurance" means insurance procured by a Surplus Lines Licensee from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted under the law of the Home State; for purposes of this Compact "Surplus Lines Insurance" shall also mean excess lines insurance as may be defined by applicable State law
- 30. "Surplus Lines Insurer" means a Non-Admitted Insurer eligible under the law of the Home State to accept business from a Surplus Lines Licensee; for purposes of this Compact "Surplus Lines Insurer" shall also mean an insurer which is permitted to write Surplus Lines Insurance under the laws of the state where such insurer is domiciled.
- 31. "Surplus Lines Licensee" means an individual, firm or corporation licensed under the law of the Home State to place Surplus Lines Insurance.

ARTICLE III

Establishment of the Commission and Venue

- 1. The Compacting States hereby create and establish a joint public agency known as the Surplus Lines Insurance Multi-State Compliance Compact Commission.
- 2. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules which establish exclusive Home State authority regarding Non-Admitted Insurance of Multi State Risks, Allocation Formulas, Clearinghouse Transaction Data, a Clearinghouse for receipt and distribution of allocated Premium Tax and Clearinghouse Transaction Data, and uniform rulemaking procedures and Rules for the purpose of financing, administering, operating and enforcing compliance with the provisions of this Compact, its Bylaws and Rules.

- 3. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules establishing foreign Insurer Eligibility Requirements and a concise and objective Policyholder Notice regarding the nature of a surplus lines placement.
- 4. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.
- 5. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.
- 6. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

ARTICLE IV

Authority to Establish Mandatory Rules

The Commission shall adopt mandatory Rules which establish:

- 1. Allocation Formulas for each type of Non-Admitted Insurance coverage, which Allocation Formulas must be used by each Compacting State and Contracting State in acquiring Premium Tax and Clearinghouse Transaction Data from Surplus Lines Licensees and insureds for reporting to the Clearinghouse created by the Compact Commission. Such Allocation Formulas will be established with input from Surplus lines Licensees and be based upon readily available data with simplicity and uniformity for the Surplus Line Licensee as a material consideration.
- 2. Uniform Clearinghouse Transaction Data reporting requirements for all information reported to the Clearinghouse.
- 3. Methods by which Compacting States and Contracting States require Surplus Lines Licensees and insureds to pay Premium Tax and to report Clearinghouse Transaction Data to the Clearinghouse, including but not limited to processing Clearinghouse Transaction Data through State stamping and service offices, State insurance departments, or other State designated agencies or entities.
- 4. That Non-Admitted Insurance of Multi-State Risks shall be subject to all of the regulatory compliance requirements of the Home State exclusively. Home State regulatory compliance requirements applicable to Surplus Lines Insurance shall include but not be limited to, (i) person(s) required to be licensed to sell, solicit, or negotiate Surplus Lines Insurance; (ii) Insurer Eligibility Requirements or other approved Non-Admitted Insurer requirements; (iii) Diligent Search; (iv) State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission. Home State regulatory compliance requirements applicable to Independently Procured Insurance placements shall include but not be limited to providing State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission.
- 5. That each Compacting State and Contracting State may charge its own rate of taxation on the premium allocated to such State based on the applicable Allocation Formula provided that the state establishes one single rate of taxation applicable to all Non-Admitted Insurance transactions and no other tax, fee assessment or other charge by any governmental or quasi governmental agency be permitted. Notwithstanding the foregoing, stamping office fees may be charged as a separate, additional cost unless

such fees are incorporated into a state's single rate of taxation.

- 6. That any change in the rate of taxation by any Compacting State or Contracting State be restricted to changes made prospectively on not less than 90 days advance notice to the Compact Commission.
- 7. That each Compacting State and Contracting State shall require Premium Tax payments either annually, semi-annually, or quarterly utilizing one or more of the following dates only: March 1, June 1, September 1, and December 1.
- 8. That each Compacting State and Contracting State prohibit any other State agency or political subdivision from requiring Surplus Lines Licensees to provide Clearinghouse Transaction Data and State Transaction Documentation other than to the insurance department or tax officials of the Home State or one single designated agent thereof.
- 9. The obligation of the Home State by itself, through a designated agent, surplus lines stamping or service office, to collect Clearinghouse Transaction Data from Surplus Line Licensees and from insureds for Independently Procured Insurance, where applicable, for reporting to the Clearinghouse.
- 10. A method for the Clearinghouse to periodically report to Compacting States, Contracting States, Surplus Lines Licensees and insureds who independently procure insurance, all Premium Taxes owed to each of the Compacting States and Contracting States, the dates upon which payment of such Premium Taxes are due and a method to pay them through the Clearinghouse.
- 11. That each Surplus Line Licensee is required to be licensed only in the Home State of each insured for whom Surplus Lines Insurance has been procured.
- 12. That a policy considered to be Surplus Lines Insurance in the insured's Home State shall be considered Surplus Lines Insurance in all Compacting States and Contracting States, and taxed as a Surplus Lines transaction in all states to which a portion of the risk is allocated. Each Compacting State and Contracting State shall require each Surplus Lines Licensee to pay to every other Compacting State and Contracting State Premium Taxes on each Multi-State Risk through the Clearinghouse at such tax rate charged on surplus lines transactions in such other Compacting States and Contracting States on the portion of the risk in each such Compacting State and Contracting State as determined by the applicable uniform Allocation Formula adopted by the Commission. A policy considered to be Independently Procured Insurance in the insured's Home State shall be considered Independently Procured Insurance in all Compacting States and Contracting States. Each Compacting State and Contracting State shall require the insured to pay every other Compacting State and Contracting State the Independently Procured Insurance Premium Tax on each Multi-State Risk through the Clearinghouse pursuant to the uniform Allocation Formula adopted by the Commission.
 - 13. Uniform foreign Insurer Eligibility Requirements as authorized by the NRRA.
 - 14. A uniform Policyholder Notice.
 - 15. Uniform treatment of Purchasing Group Surplus Lines Insurance placements.

 ARTICLE V

Powers of the Commission

The Commission shall have the following powers:

1. To promulgate Rules and operating procedures, pursuant to Article VIII of this Compact, which shall have the force and effect of law and shall be binding in the

Compacting States to the extent and in the manner provided in this Compact;

- 2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State insurance department to sue or be sued under applicable law shall not be affected:
- 3. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence, provided however, the Commission is not empowered to demand or subpoena records or data from Non-Admitted Insurers;
- 4. To establish and maintain offices including the creation of a Clearinghouse for the receipt of Premium Tax and Clearinghouse Transaction Data regarding Non-Admitted Insurance of Multi-State Risks, Single-State Risks for states which elect to require Surplus Lines Licensees to pay Premium Tax on Single State Risks through the Clearinghouse and tax reporting forms;
 - 5. To purchase and maintain insurance and bonds;
- 6. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State or stamping office, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission;
- 7. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission; and to establish the Commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel, and other related personnel matters;
- 8. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
- 9. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest:
- 10. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
- 11. To provide for tax audit Rules and procedures for the Compacting States with respect to the allocation of Premium Taxes including:
 - a. Minimum audit standards, including sampling methods,
 - b. Review of internal controls,
 - c. Cooperation and sharing of audit responsibilities between Compacting States,
- d. Handling of refunds or credits due to overpayments or improper allocation of Premium Taxes.
 - e. Taxpayer records to be reviewed including a minimum retention period,
 - f. Authority of Compacting States to review, challenge, or re-audit taxpayer records.
- 12. To enforce compliance by Compacting States and Contracting States with Rules, and Bylaws pursuant to the authority set forth in Article XIV;
- 13. To provide for dispute resolution among Compacting States and Contracting States;
- 14. To advise Compacting States and Contracting States on tax-related issues relating to insurers, insureds, Surplus Lines Licensees, agents or brokers domiciled or doing

business in Non-Compacting States, consistent with the purposes of this Compact;

- 15. To make available advice and training to those personnel in State stamping offices, State insurance departments or other State departments for record keeping, tax compliance, and tax allocations; and to be a resource for State insurance departments and other State departments;
 - 16. To establish a budget and make expenditures;
 - 17. To borrow money;
- 18. To appoint and oversee committees, including advisory committees comprised of Members, State insurance regulators, State legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;
- 19. To establish an Executive Committee of not less than seven (7) nor more than fifteen (15) representatives, which shall include officers elected by the Commission and such other representatives as provided for herein and determined by the Bylaws. Representatives of the Executive Committee shall serve a one year term. Representatives of the Executive Committee shall be entitled to one vote each. The Executive Committee shall have the power to act on behalf of the Commission, with the exception of rulemaking, during periods when the Commission is not in session. The Executive Committee shall oversee the day to day activities of the administration of the Compact, including the activities of the Operations Committee created under this Article and compliance and enforcement of the provisions of the Compact, its Bylaws, and Rules, and such other duties as provided herein and as deemed necessary.
- 20. To establish an Operations Committee of not less than seven (7) and not more than fifteen (15) representatives to provide analysis, advice, determinations and recommendations regarding technology, software, and systems integration to be acquired by the Commission and to provide analysis, advice, determinations and recommendations regarding the establishment of mandatory Rules to be adopted to be by the Commission.
- 21. To enter into contracts with Contracting States so that Contracting States can utilize the services of and fully participate in the Clearinghouse subject to the terms and conditions set forth in such contracts:
 - 22. To adopt and use a corporate seal; and
- 23. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of the business of insurance.

ARTICLE VI

Organization of the Commission

- 1. Membership, Voting and Bylaws
- a. Each Compacting State shall have and be limited to one Member. Each State shall determine the qualifications and the method by which it selects a Member and set forth the selection process in the enabling provision of the legislation which enacts this Compact. In the absence of such a provision the Member shall be appointed by the governor of such Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists.
 - b. Each Member shall be entitled to one (1) vote and shall otherwise have an

opportunity to participate in the governance of the Commission in accordance with the Bylaws.

- c. The Commission shall, by a majority vote of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact including, but not limited to:
 - i. Establishing the fiscal year of the Commission;
- ii. Providing reasonable procedures for holding meetings of the Commission the Executive Committee and the Operations Committee;
- iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;
- iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consist of a majority of Commission Members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' and Surplus Lines Licensees' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting in toto or in part. As soon as practicable, the Commission must make public: (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting:
- v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission:
- vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar 18 laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
- vii. Promulgating a code of ethics to address permissible and prohibited activities of Commission Members and employees:
- viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
- d. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.
 - 2. Executive Committee, Personnel and Chairperson
- a. An Executive Committee of the Commission ("Executive Committee") shall be established. All actions, of the Executive Committee, including compliance and enforcement are subject to the review and ratification of the Commission as provided in the Bylaws. The Executive Committee shall have no more than fifteen (15) representatives, or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and be established in accordance with the Bylaws.
- b. The Executive Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:
- i. Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;
 - ii. Establishing and overseeing an organizational structure within, and appropriate

procedures for the Commission to provide for the creation of Rules and operating procedures.

- iii. Overseeing the offices of the Commission; and
- iv. Planning, implementing, and coordinating communications and activities with other State, federal and local government organizations in order to advance the goals of the Commission.
- c. The Commission shall annually elect officers from the Executive Committee, with each having such authority and duties, as may be specified in the Bylaws.
- d. The Executive Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other persons as may be authorized by the Commission.
 - 3. Operations Committee
- a. An Operations Committee shall be established. All actions of the Operations Committee are subject to the review and oversight of the Commission and the Executive Committee and must be approved by the Commission. The Executive Committee will accept the determinations and recommendations of the Operations Committee unless good cause is shown why such determinations and recommendations should not be approved. Any disputes as to whether good cause exists to reject any determination or recommendation of the Operations Committee shall be resolved by the majority vote of the Commission.

The Operations Committee shall have no more than fifteen (15) representatives or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and shall be established as set forth in the Bylaws.

The Operations Committee shall have responsibility for:

- i. Evaluating technology requirements for the Clearinghouse, assessing existing systems used by state regulatory agencies and state stamping offices to maximize the efficiency and successful integration of the Clearinghouse technology systems with state and state stamping office technology platforms and to minimize costs to the states, state stamping offices and the Clearinghouse.
- ii. Making recommendations to the Executive Committee based on its analysis and determination of the Clearinghouse technology requirements and compatibility with existing state and state stamping office systems.
- iii. Evaluating the most suitable proposals for adoption as mandatory Rules, assessing such proposals for ease of integration by states, and likelihood of successful implementation and to report to the Executive Committee its determinations and recommendations.
- iv. Such other duties and responsibilities as are delegated to it by the Bylaws, the Executive Committee or the Commission.
- b. All representatives of the Operations Committee shall be individuals who have extensive experience and/or employment in the Surplus Lines Insurance business including but not limited to executives and attorneys employed by Surplus Line Insurers, Surplus Line Licensees, Law Firms, State Insurance Departments and or State stamping offices. Operations Committee representatives from Compacting States which utilize the services of a state stamping office must appoint the Chief Operating Officer

or a senior manager of the state stamping office to the Operations Committee.

- 4. Legislative and Advisory Committees
- a. A legislative committee comprised of State legislators or their designees shall be established to monitor the operations of and make recommendations to, the Commission, including the Executive Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Executive Committee shall consult with and report to the legislative committee.
- b. The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.
 - 5. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

- 6. Qualified Immunity, Defense and Indemnification
- a. The Members, officers, executive director, employees and representatives of the Commission, the Executive Committee and any other Committee of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.
- b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission, the Executive Committee or any other Committee of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act error or omission did not result from that person's intentional or willful or wanton misconduct.
- c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission, Executive Committee or any other Committee of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VII

Meetings and Acts of the Commission

1. The Commission shall meet and take such actions as are consistent with the

provisions of this Compact and the Bylaws.

- 2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Members' participation in meetings by telephone or other means of communication.
- 3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.
- 4. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or otherwise provided in the Compact.
- 5. The Commission shall promulgate Rules concerning its meetings consistent with the principles contained in the "Government in the Sunshine Act," 5 U.S.C., § 552b, as may be amended.
- 6. The Commission and its committees may close a meeting, or portion thereof, where it determines by majority vote that an open meeting would be likely to:
 - a. Relate solely to the Commission's internal personnel practices and procedures;
- b. Disclose matters specifically exempted from disclosure by federal and State statute;
- c. Disclose trade secrets or commercial or financial information which is privileged or confidential;
 - d. Involve accusing a person of a crime, or formally censuring a person;
- e. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - f. Disclose investigative records compiled for law enforcement purposes;
- g. Specifically relate to the Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.
- 7. For a meeting, or portion of a meeting, closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptive provision. The Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission.

ARTICLE VIII

Rules and Operating Procedures: Rulemaking

Functions of the Commission

Rulemaking functions of the Commission:

- 1. Rulemaking Authority.—The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.
- 2. Rulemaking Procedure.—Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981

Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Commission.

- 3. Effective Date All Rules and amendments, thereto, shall become effective as of the date specified in each Rule, operating procedure or amendment.
- 4. Not later than thirty (30) days after a Rule is promulgated, any person may file a petition for judicial review of the Rule; provided that the filing of such a petition shall not stay or otherwise prevent the Rule from becoming effective unless the court finds that the Petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule to be unlawful if the Rule represents a reasonable exercise of the Commission's authority.

ARTICLE IX

Commission Records and Enforcement

- 1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals, insurers, insureds or Surplus Lines Licensee trade secrets. State Transaction Documentation and Clearinghouse Transaction Data collected by the Clearinghouse shall be used for only those purposes expressed in or reasonably implied under the provisions of this Compact and the Commission shall afford this data the broadest protections as permitted by any applicable law for proprietary information, trade secrets or personal data. The Commission may promulgate additional Rules under which it may make available to federal and State agencies, including law enforcement agencies, records and information otherwise exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.
- 2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Member of the duty to disclose any relevant records, data or information to the Commission; provided that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement, and further provided that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Member, and the Commission shall maintain the confidentiality of any information provided by a member that is confidential under that Member's State Law.
- 3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws and Rules. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws or Rules. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

ARTICLE X

Dispute Resolution

1. Before a Member may bring an action in a court of competent jurisdiction for violation of any provision, standard or requirement of the Compact, the Commission

shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, Contracting States or Non-Compacting States, and the Commission shall promulgate a Rule providing alternative dispute resolution procedures for such disputes.

- 2. The Commission shall also provide alternative dispute resolution procedures to resolve any disputes between insureds or Surplus Lines Licensees concerning a tax calculation or allocation or related issues which are the subject of this Compact.
- 3. Any alternative dispute resolution procedures shall be utilized in circumstances where a dispute arises as to which State constitutes the Home State.

ARTICLE XI

Review of Commission Decisions

Regarding Commission decisions:

- 1. Except as necessary for promulgating Rules to fulfill the purposes of this Compact, the Commission shall not have authority to otherwise regulate insurance in the Compacting States.
- 2. Not later than thirty (30) days after the Commission has given notice of any Rule or Allocation Formula, any third party filer or Compacting State may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in making compliance or tax determinations acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III. Section 6.
- 3. The Commission shall have authority to monitor, review and reconsider Commission decisions upon a finding that the determinations or allocations do not meet the relevant Rule. Where appropriate, the Commission may withdraw or modify its determination or allocation after proper notice and hearing, subject to the appeal process in Section 2 above.

ARTICLE XII

Finance

- 1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations the Commission may accept contributions, grants, and other forms of funding from the State stamping offices, Compacting States and other sources.
- 2. The Commission shall collect a fee payable by the insured directly or through a Surplus Lines Licensee on each transaction processed through the Compact Clearinghouse, to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.
- 3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VIII of this Compact.
- 4. The Commission shall be regarded as performing essential governmental functions in exercising such powers and functions and in carrying out the provisions of this Compact and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied by any State or political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange.
 - 5. The Commission shall keep complete and accurate accounts of all its internal

receipts, including grants and donations, and disbursements for all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but not less frequently than every three (3) years, the review of the independent auditor shall include a management and performance audit of the Commission. The Commission shall make an annual report to the Governor and legislature of the Compacting States, which shall include a report of the independent audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner, the controller, or the stamping office of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals, and licensees' and insurers' proprietary information, including trade secrets, shall remain confidential.

- 6. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.
- 7. The Commission shall not make any political contributions to candidates for elected office, elected officials, political parties nor political action committees. The Commission shall not engage in lobbying except with respect to changes to this Compact.

ARTICLE XIII

Compacting States, Effective Date and Amendment

- 1. Any State is eligible to become a Compacting State.
- 2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two (2) Compacting States, provided the Commission shall become effective for purposes of adopting Rules, and creating the Clearinghouse when there are a total of ten (10) Compacting States and Contracting States or, alternatively, when there are Compacting States and Contracting States representing greater than forty percent (40%) of the Surplus Lines Insurance premium volume based on records of the percentage of Surplus Lines Insurance premium set forth in Appendix A hereto. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State. Notwithstanding the foregoing, the Clearinghouse operations and the duty to report Clearinghouse Transaction Data shall begin on the first January 1st or July 1st following the first anniversary of the Commission effective date. For States which join the Compact subsequent to the effective date, a start date for reporting Clearinghouse Transaction Data shall be set by the Commission provided Surplus Lines Licensees and all other interested parties receive not less than 90 days advance notice.
- 3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

ARTICLE XIV

Withdrawal, Default and Termination

1. Withdrawal

- a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State, provided that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.
- b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any tax or compliance determinations approved on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Commission.
- c. The Member of the Withdrawing State shall immediately notify the Executive Committee of the Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.
- d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.
- e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. To the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State, the Commission's determinations prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Commission.
- f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.
 - Default
- a. If the Commission determines that any Compacting State has at anytime defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules then after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.
- b. Decisions of the Commission that are issued on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this Article.
- c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.
 - 3. Dissolution of Compact
- a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.
 - b. Upon the dissolution of this Compact, the Compact becomes null and void and

shall have no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Rules and Bylaws.

ARTICLE XV

Severability and Construction

- 1. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.
- 2. The provisions of this Compact shall be liberally construed to effectuate its purposes.
- 3. Throughout this Compact the use of the singular shall include the plural and viceversa.
- 4. The headings and captions of articles, sections and sub-sections used in this Compact are for convenience only and shall be ignored in construing the substantive provisions of this Compact.

ARTICLE XVI

Binding Effect of Compact and Other Laws

- 1. Other Laws
- a. Nothing herein prevents the enforcement of any other law of a Compacting State except as provided in Paragraph b. of this section.
- b. Decisions of the Commission, and any Rules, and any other requirements of the Commission shall constitute the exclusive Rule, or determination applicable to the Compacting States. Any law or regulation regarding Non-Admitted Insurance of Multi-State Risks that is contrary to Rules of the Commission, is preempted with respect to the following:
 - (i) Clearinghouse Transaction Data reporting requirements;
 - (ii) Allocation Formula;
 - (iii) Clearinghouse Transaction Data collection requirements;
- (iv) Premium Tax payment time frames and Rules concerning dissemination of data among the Compacting States for Non-Admitted Insurance of Multi-State Risks and Single-State Risks;
- (v) Exclusive compliance with surplus lines law of the Home State of the insured; and
- (vi) Rules for reporting to a Clearinghouse for receipt and distribution of Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks;
 - (vii) Uniform foreign Insurers Eligibility Requirements;
 - (viii) Uniform Policyholder Notice; and
 - (ix) Uniform treatment of Purchasing Groups procuring Non-Admitted Insurance.
- c. Except as stated in paragraph b, any Rule, Uniform Standard or other requirement of the Commission shall constitute the exclusive provision that a Commissioner may apply to compliance or tax determinations. Notwithstanding the foregoing, no action taken by the Commission shall abrogate or restrict: (i) the access of any person to State courts; (ii) the availability of alternative dispute resolution under Article X of this Compact (iii) remedies available under State law related to breach of contract, tort, or other laws not specifically directed to compliance or tax determinations; (iv) State law relating to the construction of insurance contracts; or (v) the authority of the attorney

Annendiy A

general of the State, including but not limited to maintaining any actions or proceedings, as authorized by law.

2. Binding Effect of this Compact

Surplus Line Insurance Premiums by State

- a. All lawful actions of the Commission, including all Rules promulgated by the Commission, are binding upon the Compacting States, except as provided herein.
- b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.
- c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the Commission may issue advisory opinions regarding the meaning or interpretation in dispute. This provision may be implemented by Rule at the discretion of the Commission.
- d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that State and those obligations duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Surplus Line Insurance Premiums by State		Appendix A
	Premiums based on	Share of Total
State	taxes paid	Premiums
Alabama	445,746,000	1.47%
Alaska	89,453,519	0.29%
Arizona	663,703,267	2.18%
Arkansas	201,859,750	0.66%
California	5,622,450,467	18.49%
Colorado	543,781,333	1.79%
Connecticut	329,358,800	1.08%
Delaware	92,835,950	0.31%
Florida	2,660,908,760	8.75%
Georgia	895,643,150	2.95%
Hawaii	232,951,489	0.77%
Idaho	74,202,255	0.24%
Illinois	1,016,504,629	3.34%
Indiana	412,265,320	1.36%
Iowa	135,130,933	0.44%
Kansas	160,279,300	0.53%
Kentucky	167,996,133	0.55%
Louisana	853,173,280	2.81%
Maine	60,111,200	0.20%
Maryland	434,887,600	1.43%
Massachusetts	708,640,225	2.33%
Michigan	703,357,040	2.31%
Minnesota	393,128,400	1.29%
Mississippi	263,313,175	0.87%
Missouri	404,489,860	1.33%

Montana	64,692,873	0.21%
Nebraska	92,141,167	0.30%
Nevada	354,271,514	1.17%
New Hampshire	102,946,250	0.34%
New Jersey	1,087,994,033	3.58%
New Mexico	67,608,458	0.22%
New York	2,768,618,083	9.11%
North Carolina	514,965,060	1.69%
North Dakota	36,223,943	0.12%
Ohio	342,000,000	1.12%
Oklahoma	319,526,400	1.05%
Oregon	312,702,150	1.03%
Pennsylvania	780,666,667	2.57%
Rhode Island	71,794,067	0.24%
South Carolina	412,489,825	1.36%
South Dakota	38,702,120	0.13%
Tennessee	451,775,240	1.49%
Texas	3,059,170,454	10.06%
Utah	142,593,412	0.47%
Vermont	41,919,433	0.14%
Virginia	611,530,667	2.01%
Washington	739,932,050	2.43%
West Virginia	130,476,250	0.43%
Wisconsin	248,758,333	0.82%
Wyoming	40,526,967	0.13%
Total	30,400,197,251	100.00%
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This Data is 2005 Calendar Year Data excerpted from a study dated February 27, 2007 by Mackin & Company.

New Sec. 6. The commissioner of insurance shall represent this state on the surplus lines insurance multi-state compliance compact.

New Sec. 7. The member representing this state on the surplus lines insurance multi-state compliance compact may be represented thereon by an alternate designated by the commissioner of insurance. Any such alternate shall be an assistant commissioner or a division director of the insurance department.

Sec. 8. K.S.A. 2010 Supp. 40-246b is hereby amended to read as follows: 40-246b. The (a) Upon receipt of a proper application, the commissioner of insurance may issue to any duly licensed resident agent of this state, who has been licensed as a fire or easualty, or both, resident agent in this or any other state or combination thereof, for three consecutive years immediately prior to application for the type of license herein prescribed, upon proper application, an excess coverage license to negotiate an excess lines coverage license to any licensed property and casualty agent of this state or any other state. Any agent so licensed may negotiate for insureds whose home state is this state, the types of contracts of fire insurance enumerated in K.S.A. 40-901, and amendments thereto, and the type of casualty insurance contracts enumerated in K.S.A. 40-1102, and amendments thereto, or reinsurance, or to place risks, or to effect insurance or reinsurance for persons or corporations other than such agent, with insurers not authorized to do business in this state. An agent, as defined in K.S.A. 40-241e-2010

- Supp. 40-4902, and amendments thereto, may place the kind or kinds of business specified in this act for which such agent is licensed pursuant to K.S.A. 40-240 and 40-241-2010 Supp. 40-4903 and subsection (d) of 40-4906, and amendments thereto, with an insurer not authorized to do business in this state by placing such business with a person licensed pursuant to the provisions of this act and may share in the applicable commissions on such business. Before any such license shall be issued, the applicant shall submit proper application on a form prescribed by the commissioner, which application shall be accompanied by a fee of \$50. Such license shall be renewable each year on May 1, upon the payment of a \$50 fee. Excess lines agents licensed by the department on the effective date of this act shall be exempt from the experience requirement.
- (b) The agent so licensed shall on or before March 1 of each year, file with the insurance department of this state, a sworn affidavit or statement to the effect that, after diligent effort, such agent has been unable to secure the amount of insurance required to protect the property, person, or firm described in such agent's affidavit or statement from loss or damage in regularly admitted companies during the preceding year. Mere rate differential shall not be grounds for placing a particular risk in a nonadmitted carrier when an admitted carrier would accept such risk at a different rate. The licensed excess coverage agent must, prior to placing insurance with an insurer not authorized to do business in this state, obtain the written consent of the prospective named insured and provide such insured the following information in a form promulgated by the commissioner:
- (a)—(1) A statement that the coverage will be obtained from an insurer not authorized to do business in this state:
- (b) (2) a statement that the insurer's name appears on the list of companies maintained by the commissioner pursuant to K.S.A. 40-246e, and amendments thereto;
- (e) (3) a notice that the insurer's financial condition, policy forms, rates and trade practices are not subject to the review or jurisdiction of the commissioner;
- (d) (4) a statement that the protection of the guaranty associations is not afforded to policyholders of the insurer; and
- (e) (5) a statement or notice with respect to any other information deemed necessary by the commissioner pertinent to insuring with an insurer not authorized to do business in this state.
- (c) In the event the insured desires that coverage be bound with an insurer not admitted to this state and it is not possible to obtain the written consent of the insured prior to binding the coverage, the excess lines agent may bind the coverage after advising the insured of the information set out above and shall obtain written confirmation that the insured desires that coverage be placed with an insurer not admitted to this state within 30 days after binding coverage.
- (d) When business comes to a licensed excess lines agent in which this state is the home state for placement with an insurer not authorized to do business in this state from an agent not licensed as an excess lines agent, it shall be the responsibility of the licensed excess lines agent to ascertain that the insured has been provided the preceding information and has consented to being insured with an insurer not authorized to do business in this state. Each excess lines agent shall keep a separate record book in such agent's office showing the transactions of fire and casualty insurance and reinsurance placed in companies not authorized to do business in this state, the amount of gross

premiums charged thereon, the insurer in which with which the policy was placed, the date, term and number of the policy, the location and nature of the risk, the name of the assured insured and such other information as the commissioner may require and such record shall be available at all times for inspection by the commissioner of insurance or the commissioner's authorized representatives. The commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. 40-242 2010 Supp. 40-4909, and amendments thereto.

Any policy issued under the provisions of this statute shall have stamped or endorsed in a prominent manner thereon, the following: This policy is issued by an insurer not authorized to do business in Kansas and, as such, the form, financial condition and rates are not subject to review by the commissioner of insurance and the insured is not protected by any guaranty fund.

If business is placed with a nonadmitted company that is subsequently determined to be insolvent, the excess lines agent placing such business with such company is relieved of any responsibility to the insured as it relates to such insolvency, if the excess lines agent has satisfactorily complied with all requirements of this section pertaining to notification of the insured, has properly obtained the written consent of the insured and has used due diligence in selecting the insurer. It shall be presumed that due diligence was used in selecting the insurer if such insurer was on the list compiled pursuant to K.S.A. 40-246e, and amendments thereto, at the time coverage first became effective.

- Sec. 9. K.S.A. 40-246c is hereby amended to read as follows: 40-246c. Each-licensed agent shall file with the commissioner on or before March 1 of each year a statement on a form prescribed by the commissioner, accounting for the gross premiums upon all policies written on risks situated in this state up to January 1 in each year for the year next preceding and the licensee shall transmit to the commissioner, with such affidavit or statement, a sum equal to 6% of the gross premiums upon all policies procured by such agent on risks situated in this state written under the provisions of this act. Any individual placing a policy with an insurer not authorized to do business in this state on a risk domiciled in a state other than this state, but also covering a risk or location in Kansas, shall file with the commissioner a statement in the form prescribed by the commissioner, describing the risk and shall pay to the commissioner a sum equal to 6% of the portion of the premium applicable to the risk located in Kansas within 120 days after writing the risk.
- (a) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a sum based on the total gross premiums charged, less any return premiums, for surplus lines insurance provided by the licensee pursuant to the license. Where the insurance covers properties, risks or exposures located or to be performed both in and out of this state, the sum payable shall be computed based on:
- (1) An amount equal to 6% of that portion of the gross premiums allocated to this state; plus
- (2) an amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state; less
- (3) the amount of gross premiums allocated to this state and returned to the insured.
 - (b) The tax on any portion of the premium unearned at termination of insurance, if

any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason. To the extent that other states where portions of the properties, risks or exposures reside have failed to enter into a compact or reciprocal allocation procedure with this state, the net premium tax collected shall be retained by this state.

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance shall collect double the amount of tax herein provided from any licensee or other responsible individual as herein described who shall fail, refuse or neglect to transmit the required affidavit or statement or shall fail to pay the tax imposed by this section, to the commissioner within the period specified.

K.S.A. 40-246e is hereby amended to read as follows: 40-246e. The commissioner shall maintain a list of insurers not authorized to do business in this state for review by any interested person. Only those insurers who have filed a certified copy of their most recent annual statement with the commissioner in the form prescribed by K.S.A. 40-225, and amendments thereto, or, if domiciled outside the United States, have filed their most recent annual statement with the national association of insurance commissioners may appear on the list. No excess lines agent shall place insurance on a Kansas domiciled risk with an insurer whose name does not appear on this list. No company shall appear on the list whose capital or surplus as shown on the annual statement does not equal or exceed \$1,500,000 \$4,500,000. Individual unincorporated insurers not listed by the national association of insurance commissioners may appear on the list if they are authorized to transact an insurance business in at least one state of the United States, possess assets which are held in trust for the benefit of American policyholders in the sum of not less than \$50,000,000 and pay the filing fee required by this section. Insurance exchanges who issue contracts on behalf of their members and pay the filing fee required by this section may appear on the list if their individual members have a capital or surplus equal to or in excess of \$1,500,000 and the aggregate capital or surplus of all members of the exchange is at least \$15,000,000. A nonrefundable filing fee of \$200 shall be required of any insurer submitting its annual statement for review by the commissioner for inclusion on such list. The commissioner shall remove an insurer's name from the listing only when: (a) The insurer requests such removal: or (b) the insurer fails to file its latest annual statement and required filing fee prior to May 1 of each year as required by this section; or (c) the commissioner is notified by the insurance supervisory authority of any state of the United States that such insurer has had its authority to transact business restricted; or has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority; or (d) the commissioner is notified by the N.A.I.C. that any insurer domiciled outside the United States has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority pursuant to an order by any court of competent jurisdiction; or (e) the insurer has failed to effectuate reasonably prompt, fair and equitable payment of just losses and claims in this state; or (f) the insurer encourages, promotes or rewards an agent to violate the provisions of K.S.A. 40-246b, and amendments thereto. There shall be no liability on the part of and no

cause of action of any nature shall arise against the commissioner, the commissioner's employees, or the state of Kansas as a result of any insurer's name appearing or not appearing on the list required by this section if such list is constructed and maintained in good faith and without malice.

Sec. 11. K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b are hereby repealed.";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 32, before "K.S.A." where it appears for the first time by inserting "From and after July 1, 2011,"; in line 35, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "relating to"; by striking all in lines 2 through 5 and inserting "relating to certain filings with the insurance commissioner; relating to certain records of the insurance department's anti-fraud division; relating to surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 12-2618, 40-246c, 40-246e and 44-584 and K.S.A. 2010 Supp. 40-246b";

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

Ruth Teichman Ty Masterson Allen C. Schmidt Conferees on part of Senate

CLARK SHULTZ
PHIL HERMANSON
BOB GRANT
Conferees on part of House

On motion of Rep. Shultz to adopt the conference committee report on **HB 2076**, Rep. Brown offered a substitute motion to not adopt and that a new conference committee be appointed. The motion of Rep. Brown did not prevail.

The question reverted back to the original motion of Rep. Shultz and the conference committee report was adopted.

On roll call, the vote was: Yeas 82; Nays 39; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Aurand, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crum, Davis, DeGraaf, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Boman, Brown, Calloway, Cassidy, Collins, Denning, Donohoe, Garber, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hedke, Hildabrand, Hoffman, M. Holmes, Howell, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Patton, Peck, Rhoades, Rubin, Scapa,

Schwab, Smith, Suellentrop, Tyson.

Present but not voting: None.

Absent or not voting: Ballard, Fund, Hineman, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104** submits the following report:

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

On page 3, in line 8, by striking "a current" and inserting "or has been a"; also in line 8, after "facility," by inserting "within the last six months";

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on HB 2104 was adopted.

On roll call, the vote was: Yeas 91; Nays 31; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Hayzlett, Hedke, Henderson, Hermanson, Hill, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Loganbill, Mast, McCray-Miller, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Burgess, Burroughs, Calloway, Carlin, Collins, Feuerborn, Garber, S. Gatewood, Gordon, Grant, Gregory, Grosserode, Henry, Hildabrand, Hoffman, Knox, Kuether, Landwehr, Lane, Mah, McLeland, Meier, Mesa, Pauls, Peck, Prescott, Scapa, Schwartz, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Hineman, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2105** submits the following report:

The Senate recedes from all of its amendments to the bill:

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

THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

S. MIKE KIEGERL
BILL WOLF
SEAN GATEWOOD
Conferees on part of House

On motion of Rep. Kiegerl, the conference committee report on HB 2105 was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Hineman, Peterson.

INTRODUCTION OF GUESTS

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

I would like to recognize Kansas men's basketball senior guard, Tyrel Reed, for his academic and athletic achievements. Tyrel finished his career as the winningest player in a four-year period at KU with a 132-17 record, which is second most in NCAA history. Included were four Big 12 regular-season titles, three Big 12 postseason championships, one Final Four and one NCAA National Championship. This past

season he was named Academic All-America First Team, Lowe's Senior CLASS Award All-America First Team and was one of 10 finalists for the Senior CLASS national award. A 2011 Big 12 Classroom Champion, Reed was an Academic All-Big 12 First Team selection all three years he was eligible.

For the 2010-11 season, Reed was the only Jayhawk to start every game and led Kansas with 72 three-pointers and 56 steals. He was named 2011 All-Big 12 Honorable Mention and was KU's third-leading scorer with 9.7 points per contest. Reed graduated from KU in December and has been accepted into KU Medicine's physical therapy school. He has volunteered with many organizations as well as worked with Special Olympics.

I would like to recognize Tyrel's parents, Stacy and Debbie Reed; Chris Tyson, Assistant Athletic Director; Barry Hinson, Assistant Coach, KU men's basketball; Rep. Mast, who represents Burlington; and all the other Representatives from Douglas County.

Speaker O'Neal read the House certificate and presented Tyrel with a framed copy.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2119**, submits the following report:

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

On page 2, in line 36, by striking "the" where it appears for the first time;

On page 3, in line 1, after "response" by inserting "service"; in line 4 by striking "service" and inserting "services"; by striking all in lines 16 through 43;

By striking all in pages 4 through 22;

On page 23, by striking all in lines 1 through 14 and inserting:

"Sec. 3. K.S.A. 8-305 is hereby repealed";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all after "concerning"; by striking all in lines 4 through 9 and inserting "political subdivisions; pertaining to accident response service fees; pertaining to marking of motor vehicles; amending K.S.A. 8-305 and repealing the existing section.":

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

RUTH TEICHMAN
TY MASTERSON
ALLEN C. SCHMIDT
Conferees on part of Senate

Steve Huebert
Joe Seiwert
Ann E. Mah
Conferees on part of House

On motion of Rep. Huebert to adopt the conference committee report on HB 2119, Rep. Landwehr offered a substitute motion to not adopt the conference committee

report and a new conference committee be appointed. The motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Huebert, Seiwert and Mah as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2147**, submits the following report:

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

On page 2, by striking all in line 38, and inserting "adjust staffing personnel and resources as necessary to meet residents' needs in"; in line 41, after "take" by inserting "annual":

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

Vicki Schmidt
Pete Brungardt
Laura Kelly
Conferees on part of Senate

Bob Bethell
Ron Worley
Geraldine Flaharty
Conferees on part of House

On motion of Rep. Bethell, the conference committee report on HB 2147 was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Hineman, Peterson, Prescott,

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2151**, submits the following report:

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

On page 1, in line 17, by striking "into a private place"; in line 18, following "conversations" by inserting "in a private place"; in line 19, following "persons" by inserting "entitled to privacy";

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

Thomas C. Owens
Jeff King
David Haley
Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on HB 2151 was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hineman, Peterson, Prescott.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2172** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on

conference further agrees to amend the bill, as printed with Senate committee amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 and 3;

On page 4 by striking all in lines 1 through 28, and inserting:

"New Section 1. The junction of United States highway 24 and K-7 highway in Wyandotte county is hereby designated as the Representative Margaret Long interchange. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the junction of United States highway 24 and K-7 highway is the Representative Margaret Long interchange, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs.

The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 2. If the state of Missouri designates a portion of interstate highway 70 as the Truman/Eisenhower Presidential highway, or something substantially similar, then the portion of interstate highway 70 from the Missouri state line to the junction with highway K-15 shall be designated the Eisenhower/Truman Presidential highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Eisenhower/Truman Presidential highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

- Sec. 3. K.S.A. 68-1009 is hereby amended to read as follows: 68-1009. (a) The portion of United States highway No. 40 traversing this state where it crosses the Missouri-Kansas border on the east to the point where it leaves the state on the west at the Kansas-Colorado line, be and it is hereby designated as the official east-west Blue Star memorial highway in the state of Kansas.
- (b) If the state of Missouri designates a portion of interstate highway 70 as the Truman/Eisenhower Presidential highway, or something substantially similar, then the portion of United States highway No. 40 from where it crosses the Missouri-Kansas border, to the west city limits of Topeka, and then from the junction of highway K-15 with United States highway No. 40, then west on United States highway No. 40 to the point where it leaves the state at the Kansas-Colorado line, shall be designated as the official east-west Blue Star memorial highway in the state of Kansas.

Sec. 4. K.S.A. 68-1009 is hereby repealed.":

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 and 3; in line 4, by striking all before the period; and inserting "concerning roads and highways; designating the Margaret Long interchange; Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section";

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

DWAYNE UMBARGER
KELLY KULTALA
BOB MARSHALL
Conferees on part of Senate

GARY K. HAYZLETT
WILLIE PRESCOTT
VINCENT WETTA
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on HB 2172 was adopted.

On roll call, the vote was: Yeas 85; Nays 35; Present but not voting: 1; Absent or not voting: 4.

Yeas: Alford, Ballard, Billinger, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Neal, Osterman, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Schroeder, Schwartz, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Bollier, Boman, Brown, Brunk, DeGraaf, Donohoe, Garber, Goodman, Gordon, Grange, Grosserode, Hedke, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, O'Brien, O'Hara, Peck, Rhoades, Ryckman, Scapa, Schwab, Seiwert, Suellentrop, Tyson, Weber.

Present but not voting: Otto.

Absent or not voting: Bethell, Fund, Hineman, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2271** submits the following report:

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

On page 2, in line 40, before "To", by inserting "(a)"; by striking all on lines 42 and 43; on page 3, by striking all in line 1 and inserting the following:

- "(1) Enter any property in the state, except private dwellings, in order to:
- (A) Inspect;
- (B) monitor;
- (C) place and inspect monitoring equipment; and
- (D) obtain samples; and";

Also on page 3, in line 2 by striking "(b)" and inserting "(2)"; in line 5, by striking "(c)" and inserting "(b)";

On page 4, in line 26, by striking "\$80" and inserting "\$30"; On page 5, in line 12, by striking "\$60" and inserting \$80"; And your committee on conference recommends the adoption of this report.

MARK TADDIKEN
RUTH TEICHMAN
MARCI FRANCISCO
Conferees on part of Senate

Larry R. Powell
Dan Kerschen
Jerry Williams
Conferees on part of House

On motion of Rep. Powell, the conference committee report on **Sub. HB 2271** was adopted.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Boman, Brown, S. Gatewood, Gregory, Lane, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Hineman, Peterson.

REPORT ON ENGROSSED BILLS

HB 2192 reported correctly re-engrossed April 4, 2011.

Also, HB 2382, HB 2390 reported correctly engrossed April 5, 2011.

Also, Sub. HB 2134 reported correctly re-engrossed April 6, 2011.

Also, HB 2383 reported correctly engrossed April 11, 2011.

REPORT ON ENROLLED BILLS

HB 2035, HB 2067, HB 2118; Sub. HB 2134; HB 2192 reported correctly enrolled, properly signed and presented to the Governor on April 8, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6021 reported correctly enrolled and properly signed on April 27, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Thursday, April 28, 2011.

Journal of the House

FIFTY-FIFTH DAY

 $\label{eq:hall of the House of Representatives, Topeka, KS, Thursday, April 28, 2011, 10:00 a.m.$

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 122 members present.

Reps. Fund, Schwab and Weber were excused on verified illness.

Present later: Rep. Schwab.

Prayer by guest chaplain, the Rev. David DeShazo, associate pastor, Northland Christian Church, Topeka:

Lord of all creation,

I give You praise, with a thankful heart, for the countless good things You have granted to us as Kansans, from the founding of our statehood to this moments.

We are here before You today as those who are frequently given to solving this life's challenges by our own resources...our own strength, our own wisdom, and our own convictions. To be honest and truthful before You would require us to own responsibility for the condition of our great state and these many states that have united together, a condition that is seemingly exhausting our resources, both materially and intellectually, but not spiritually.

Through your Truth and Love, for countless generations, You have brought not only a voice, but you have used Your people to bring freedom to those politically oppressed, to those racially subjugated, to those financially lacking, to those in need of food, and to those who have been given Your gift of life but refused the opportunity to live. Father, bring a fresh strength and boldness to any and all who would be Your voice in this generation of Kansans.

My prayer to You this morning, Father, is that Your Spirit search the hearts and minds of each of us gathered here this morning. If we are found lacking of conviction, supply it. If we are found wanting of passion, bring it. If we are found weak to the temptations that money and power offer, enable us to overcome them. If we are found willing to be Your voice, equip us for every good word and work we can deliver.

In doing so, would You cause us to accept Your Truth and Love in such a way that leads each to choose what is good and acceptable to You, morally, politically and financially.

May You be honored by the choices and decisions made in this house, this day, and, if you are not honored by them, may your judgments deal with us accordingly.

In Jesus Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Scapa.

Kansas Trivia Question – In 1997 University of Kansas physicist John Ralston received international attention for observations that the universe might have what? Answer: Directionality or an axis.

COMMUNICATIONS FROM STATE OFFICERS

From Andrew Allison, Ph.D., Acting Executive Director, and William Reed, M.D., KHPA Board Chairman, pursuant to K.S.A. 75-7405, 2011 Annual Legislative Report of the Kansas Health Policy Authority.

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

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 36**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 136**, and requests return of the bill

The Senate adopts conference committee report on H. Sub. for SB 23.

The Senate adopts conference committee report on SB 67.

The Senate adopts conference committee report on SB 123.

The Senate adopts conference committee report on H. Sub. for SB 213.

The Senate adopts conference committee report on H. Sub. for SB 214.

The Senate adopts conference committee report to agree to disagree on SB 77, and has appointed Senators Wagle, Lynn and Holland as second conferees on the part of the Senate.

The Senate adopts conference committee report to agree to disagree on SB 93, and has appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted:

Recommended that **H. Sub. for SB 25** be passed over and retain a place on the calendar.

Committee report to **HR 6015** be adopted; also, on motion of Rep. Otto to amend, Rep. O' Neal requested a ruling on the amendment being germane to the bill and also that, in accordance with House Rule 1309, be ruled out of order. The Rules Chair stated

that the request to rule the amendment out of order takes precedence and the amendment was therefore ruled out of order.

Roll call was demanded on motion to recommend **HR 6015** favorably for adoption.

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 1; Absent or not voting: 2.

Yeas: Arpke, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hayzlett, Hedke, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Smith, Tyson, Vickrey, B. Wolf.

Nays: Alford, Aurand, Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Grosserode, Henderson, Henry, Hermanson, Hill, Hineman, Johnson, Kelly, Kerschen, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Otto, Phelps, Prescott, Proehl, Roth, Ruiz, Schwab, Schwartz, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: Brookens.

Absent or not voting: Fund, Weber.

The motion prevailed, and HR 6015 be adopted as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfreid, pursuant to House Rule 2311, **HR 6015** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6015, A RESOLUTION requiring that the Attorney General bring an action in quo warranto in a court of competent jurisdiction against the Kansas Racing and Gaming commission and its members, the Kansas Lottery Commission and its members and the Kansas Lottery Gaming Facility Review Board and its members and challenging the constitutionality of K.S.A. 2010 Supp. 74-8762(e) and such other claims as the Attorney General may deem warranted under the circumstances, was considered on final action.

On roll call, the vote was: Yeas 59; Nays 62; Present but not voting: 1; Absent or not voting: 3.

Yeas: Arpke, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hayzlett, Hedke, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Smith, Tyson, Vickrey, B. Wolf.

Nays: Alford, Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood,

Gordon, Grant, Grosserode, Henderson, Henry, Hermanson, Hill, Hineman, Johnson, Kelly, Kerschen, Kiegerl, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, Otto, Pauls, Peterson, Phelps, Prescott, Proehl, Roth, Ruiz, Schwab, Schwartz, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: Brookens.

Absent or not voting: Aurand, Fund, Weber.

The resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HR 6015**. I firmly believe the rule of law must be obeyed—not just when it is expedient but all of the time. While I am a strong supporter of economic growth, we must not sacrifice the enforcement of the law for development. Today the legislature is requesting the top law enforcement officer of the state to simply ensure that the Mulvane casino abides by the same state laws as other casinos in Kansas. – Ron Ryckman, Robert Montgomery

MR. SPEAKER: A famous French philosopher said, "America is great because America is good. If America ever ceases to be good, it will no longer be great." It grieves me to see the day that the Kansas legislature has determined our state should no longer value the law. We now have state owned and operated gambling facilities and we are approving a contract where accusations of corruption are in question. I vote "yes" on **HR 6015** to ask for greater oversight. — Peggy Mast, Jim Howell, Tom Arpke, Dennis Hedke, Joseph Scapa, Kyle Hoffman

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Davis, pursuant to House Rule 2303, to reconsider the previous action in not adopting **HR 6015** on Final Action, the motion did not prevail.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were thereupon introduced and read by title:

HB 2408, AN ACT concerning agritourism; transferring agritourism promotions from the department of commerce to the department of agriculture; amending K.S.A. 2010 Supp.74-50,167 and 74-50,168 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,173, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. HCR 5027—

By Committee on Vision 2020

A CONCURRENT RESOLUTION to build awareness and momentum to establish an alliance to promote solar energy and solar electric cooperatives in Kansas.

WHEREAS, Greenhouse gas emission reductions are priorities for federal agencies as well as many scientists and Kansans; and

WHEREAS, Solar energy can help address America's electric energy requirements, create jobs and reduce greenhouse gases; and

WHEREAS, Promoting solar energy's potential in Kansas requires regulatory, institutional, financial and educational solutions to market barriers; and

WHEREAS, Solar energy is appropriate for distributive generation and can be integrated architecturally in new and retro-fitted buildings; and

WHEREAS, Solar energy is the renewable electricity generation system to produce electricity at peak demand times with the lowest emission footprint; and

WHEREAS, Solar energy systems on Kansas homes and businesses can create demand for products that result in manufacturing and other companies locating in Kansas, thereby improving the state's economic and job statuses; and

WHEREAS, Electric and other cooperatives have demonstrated the economic and political value of individual Kansans banding together to achieve common goals and benefits; and

WHEREAS, The Kansas Legislature has recognized and created opportunities for the creation of electric and other types of cooperatives; and

WHEREAS, Solar electric cooperatives may be a means by which individual Kansans can collaboratively and cost-effectively develop our state's renewable energy potential; and

WHEREAS, The nation's desire to transition to electric and other nontraditional forms of transportation will create greater demands to produce electricity in environmentally friendly ways; and

WHEREAS, Kansas and Kansans want to be leaders in the environmental, economic and energy sectors' development of renewable energy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the people of Kansas to explore opportunities to reduce their electricity expenses and contribute to a more environmentally friendly electric system by learning about solar energy technologies and their ability to serve part of our electric needs; and

Be it further resolved: That Kansans should explore innovative ways of financing and integrating solar energy to meet the electric needs of individual Kansans and businesses; and

Be it further resolved: That the people of Kansas and state agencies are encouraged to learn more about solar energy's potential to help grow our state's economy; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the Governor, the Kansas Press Association, the Kansas Association of Broadcasters and the Kansas Corporation Commission, who shall post the resolution on the Commission's website.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2044** and has appointed Senators Umbarger, Marshall and Kultala as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2049** and has appointed Senators V. Schmidt, Brungardt and Kelly as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2119** and has appointed Senators Teichman, Masterson, and A. Schmidt as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6023-

By Representative D. Gatewood

A RESOLUTION congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School.

WHEREAS, Columbus Unified High School of Columbus, Kansas, recently received recognition as a 2011 MetLife Foundation-NASSP Breakthrough School for its academic success; and

WHEREAS, Columbus Unified High School was one of only five high schools in the country to be named a Breakthrough School and was honored at the 2011 NASSP Conference, which was held in San Francisco, California, February 24 to 27, 2011; and

WHEREAS, Columbus Unified High School, and the other four high schools and five middle level schools honorees, will receive a \$5,000 grant and be featured in the National Association of Secondary School Principals' monthly magazine, Principal Leadership; and

WHEREAS, The MetLife Foundation-NASSP Breakthrough Schools program was established in 2007 and is funded through a generous grant provided by MetLife Foundation. The goal of the project is to identify, recognize and showcase middle level and high schools that serve large numbers of students living in poverty and are high achieving or dramatically improving student achievement; and

WHEREAS, Nominated schools must demonstrate continuous growth on state assessments over time, including graduation rate for high schools, specific efforts towards reducing the achievement gap and 40% or more students eligible for free or reduced price meals. Additional success indicators include equity of student participation in challenging courses, academic and career focused personal learning plans for all students, school community connections and leadership development and mentoring; and

WHEREAS, Columbus Unified High School was selected for its documented success and for implementing strategies aligned with the three core areas of NASSP's Breaking Ranks framework for middle level and high schools that have led to improved student achievement. These three core areas are: (1) Collaborate leadership: Professional learning communities, shared leadership and student and staff leadership development; (2) Personalization: Attention to all students, mentoring and school/community connections; and (3) Curriculum, instruction and assessment: Access to rigorous coursework for all students, differentiated instruction with multiple assessments, databased decision making and opportunities for career development; and

WHEREAS, The superintendent of Columbus USD 493 is David Carriger. The principal of Columbus Unified High School is Steve Jameson. The interim principal and assistant principal of Columbus Unified High School is Tony Shearburn. The interim assistant principal of Columbus Unified High School is Dan Grundy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the administration, teachers and staff of Columbus Unified High School for being recognized as a 2011 MetLife Foundation-NASSP Breakthrough School and for their diligent work in making gains in academic achievement by providing rigorous instruction and personalizing their school to meet the needs of each and every student. We wish them and their students continued success; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Doug Gatewood.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **Substitute for SB 111** be amended by substituting a new bill to be designated as "House Substitute for Substitute for Senate Bill No. 111," as follows:

"HOUSE Substitute for Substitute for SENATE BILL NO. 111 By Committee on Appropriations

"AN ACT concerning school districts; relating to the use of moneys by school districts; relating to special education state aid; amending K.S.A. 72-3607, 72-6420, 72-6423 and 72-8237 and K.S.A. 2010 Supp. 72-965, 72-978, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-8250, 72-9509 and 72-9609 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for Sub. SB 111 was thereupon introduced and read by title.)

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

PERSONAL PRIVILEGE

Speaker O'Neal announced that Rep. Rocky Fund passed away earlier in the day and, on behalf of the members of the House of Representatives, expressed his condolences to Rep. Fund's family.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House concurred in Senate amendments to **S. Sub. for HB 2133**, AN ACT concerning state funds; relating to moneys recovered from water litigation; relating to funding for local health departments.; amending K.S.A. 65-242, 82a-1801 and 82a-1802 and K.S.A. 2010 Supp. 82a-1803, 82a-1804 and 82a-1805 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 107; Nays 9; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Brown, Bruchman, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum,

Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Feuerborn, D. Gatewood, S. Gatewood, Grant, Kuether, McCray-Miller, Pauls, Tietze.

Present but not voting: None.

Absent or not voting: Aurand, Boman, Brunk, Fund, Landwehr, Moxley, Peterson, Schwab, Weber.

On motion of Rep. Powell, the House concurred in Senate amendments to **HB 2282**, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512.

(The House requested the Senate to return the bill, which was in conference). On roll call, the vote was: Yeas 85; Nays 32; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bowers, Brookens, Bruchman, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Lane, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Vickrey, Victors, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brown, Burroughs, Davis, DeGraaf, Feuerborn, Frownfelter, D. Gatewood, S. Gatewood, Grosserode, Hildabrand, Howell, Huebert, Kelley, Kinzer, Kuether, Loganbill, Mah, Mast, McLeland, Meigs, Patton, Pauls, Peck, Rhoades, Ruiz, Scapa, Slattery, Tietze, Tyson, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Aurand, Boman, Brunk, Fund, Landwehr, Peterson, Schwab, Weber.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Grange, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 21** be passed over and retain a place on the calendar.

HR 6017 be adopted.

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rule be suspended for the purpose of considering **H. Sub. for SB 25; SB 21**.

Committee report recommending a substitute bill to **H. Sub. SB 25** be adopted; also, on motion of Rep. Prescott to amend, the motion did not prevail. Also, on motion of Rep. Fawcett to amend, the motion did not prevail; and **H. Sub. for SB 25** be passed.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. HR 6024-

By Committee on Energy and Utilities

A RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation.

WHEREAS, Due to a recent adverse federal court ruling that held 49 U.S.C. § 60104(c) precludes a state authority from adopting or enforcing safety standards for interstate pipeline facilities or pipelines transporting gas in interstate transportation, the state of Kansas may not regulate the safety of underground storage of gas in interstate transportation; and

WHEREAS, It is vital that the Federal Energy Regulatory Commission and the United States Department of Transportation or the United States Congress allow Kansas to provide the necessary oversight to ensure the safe operation of natural gas storage within the state of Kansas; and

WHEREAS, Several significant incidents have occurred where natural gas or hazardous liquids have escaped from storage and resulted in loss of life and property; and

WHEREAS, The safe underground storage of natural gas within an interstate transportation system is a vital process to ensure efficient development and production of Kansas natural gas resources; and

WHEREAS, The growth of the production, transportation and storage of natural gas is an important element in the preservation and creation of jobs in Kansas; and

WHEREAS, For decades, natural gas transportation companies have integrated underground natural gas storage into their interstate pipeline operations to increase deliverability and decrease overall costs; and

WHEREAS, The regulation of underground natural gas storage wells has been performed by state agencies and the Federal Energy Regulatory Commission to varying degrees, but not by the United States Department of Transportation; and

WHEREAS, Through Advisory Bulletin ADB-97-04, and other correspondence, the Pipeline and Hazardous Materials Safety Administration (PHMSA) or its predecessor agency has noted gas storage facilities are not covered by PHMSA pipeline safety regulations; and

WHEREAS, The PHMSA has urged state regulators to develop state-sponsored safety programs of wellbores and underground facilities to make new federal regulations unnecessary; and

WHEREAS, Kansas, as well as many other states, has adopted rules and regulations

regarding the safe operation of wellbores and underground gas and liquid storage facilities; and

WHEREAS, The State Corporation Commission has the experience and technical ability to regulate the safety of underground storage of gas; and

WHEREAS, It is imperative that the citizens of the state of Kansas be protected from accidents or mishaps at facilities used for the underground storage of natural gas and that both interstate and intrastate gas storage companies be regulated to assure that facilities are operated in a safe manner: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Federal Energy Regulatory Commission, U.S. Department of Transportation and the Kansas Corporation Commission to adopt legislation or policies that would provide Kansas, and other states, administrative jurisdiction to assure the safe operation of wellbores associated with the underground storage of natural gas that is in interstate transportation; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the United States Department of Transportation Secretary, the Commissioners of the Federal Energy Regulatory Commission, members of the National Association of Regulatory Utility Commissioners, members of the Kansas Congressional Delegation, the Chairman of the United States House of Representatives Committee on Transportation and Infrastructure, the Governor of Kansas and the Executive Director of the Interstate Oil and Gas Compact Commission.

HOUSE RESOLUTION No. HR 6025-

By Committee on Energy and Utilities

A RESOLUTION urging the United States Congress to preserve the primacy of the Kansas Corporation Commission to regulate hydraulic fracturing in compliance with state regulations and not to enact any future legislation that would remove this primacy.

WHEREAS, The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply; and

WHEREAS, Since the 1974 enactment of the Safe Drinking Water Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the definitions of the SDWA; and

WHEREAS, The United States 11th Circuit Court of Appeals ruled contrary to the argument of the EPA that hydraulic fracturing constituted "underground injection" under the SDWA, Legal Environmental Assistance Foundation v. United States Environmental Protection Agency, 118 F.3d 1467 (11th Cir. 1997); and

WHEREAS, In 2004, the EPA published a final report summarizing a study that evaluated the potential threat to underground drinking water sources from hydraulic fracturing of coal bed methane production wells and the EPA concluded that "the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to underground sources of drinking water and that "additional or further study is not warranted at this time"; and

WHEREAS, Any federal rule-making concerning the states' sovereign right in permitting the quantity of water used for hydraulic fracturing would be outside the EPA's purview; and

WHEREAS, In the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Safe Drinking Water Act; and

WHEREAS, Hydraulic fracturing is a proven technology with a long history of environmentally safe use in the completion of oil and gas wells; and

WHEREAS, The oil and gas producing states regulate hydraulic fracturing as a component of their regulatory programs for the drilling, completion, operation and plugging of oil and gas wells; and

WHEREAS, The reservoirs that produce oil and gas are highly variable geologically and separated geographically across the oil and gas producing states such that state regulatory agencies are best suited by local expertise and experience to effectively regulate hydraulic fracturing; and

WHEREAS, State regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing; and

WHEREAS, The SDWA was never intended to grant the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under the Underground Injection Control program; and

WHEREAS, The regulation of hydraulic fracturing under the Federal Safe Drinking Water Act would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells, thereby increasing costs of producing domestic natural gas resources without any ancillary benefit to public health, safety or the environment; and

WHEREAS, The increased cost of producing domestic natural gas resources will reduce domestic supplies of oil and natural gas, increase utility prices and other costs to consumers, reduce tax and royalty revenues for local, state and federal governments and increase the nation's dependence on foreign energy imports; and

WHEREAS, Domestic production of oil and natural gas will ensure that the United States continues on the path to energy security; and

WHEREAS, The Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states and set forth its opposition to federal regulation of hydraulic fracturing under the underground injection control program in Resolution 09.011, dated January 7, 2009, "Urging Congress Not to Remove Exemption of Hydraulic Fracturing from Provisions of the Safe Drinking Water Act"; and

WHEREAS, The states' public utility commissioners represented by the National Association of Regulatory Utility Commissioners adopted a similar resolution in July 2009: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support continued jurisdiction of the states to conserve and properly regulate oil and gas production in their unique geological and geographical circumstances; and

Be it further resolved: That we urge the United States Congress to take such actions as are necessary to preserve and maintain the exemption from the Safe Drinking Water Act for hydraulic fracturing; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall provide an enrolled copy of this resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of

the United States Senate, the Minority Leader of the United States Senate and to each member of the Kansas Congressional Delegation.

HOUSE RESOLUTION No. HR 6026—

By Representatives Davis, Burroughs, Phelps, Ballard, Winn and Tietze A RESOLUTION condemning the remarks of Representative Virgil Peck regarding undocumented immigrants.

WHEREAS, Representative Virgil Peck made national and international headlines on March 14, 2011. During a House Appropriations committee meeting, he suggested that the state shoot undocumented immigrants from helicopters in the same manner that is used to exterminate the state's feral hog population; and

WHEREAS, When approached about his comment, Representative Virgil Peck unapologetically responded that he was "just joking," and that he was "just speaking like a southeast Kansas person"; and

WHEREAS, Representative Virgil Peck's comment has garnered criticism in Kansas, nationally and around the world. In response, he issued a one-line statement on March 15, 2011, which stated his comments were "regrettable"; and

WHEREAS, To say that these comments were simply "regrettable" in a one-line statement does not display the remorse that is necessary to remedy this wrong; and

WHEREAS, The Legislature condemns Representative Virgil Peck's comments for the following reasons:

- 1. Representative Peck has the right to free speech, and this House stands in full support of that right. However, that right does not include the advocacy of gratuitous deadly violence against other human beings;
- 2. Representative Virgil Peck's words cast a negative light on this respected institution, the Southeast Kansas region and the entire State of Kansas; and
- 3. Elected officials must be held to a higher standard. The Kansas Legislature must send a clear message that uncivil discourse is not condoned in this body; and

WHEREAS, Human immigration is an important part of our past and our future. Endorsing violent acts against any individual or group cannot be tacitly or explicitly condoned. Violent acts cannot be condoned by those who hold leadership positions, either by their words or by their silence, in a civil society. Furthermore, endorsements of violent acts should not be published where they could appear to legitimize such acts: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That Kansas must affirm its reputation as a welcoming and tolerant state. Moreover, the Kansas Legislature must affirm its commitment to respectful communication on all matters, no matter what our political opinions.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Friday, April 29, 2011.

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, April 29, 2011, 10:00 a.m.

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

The roll was called with 120 members present.

Rep. Weber was excused on verified illness.

Reps. Aurand, Brunk and Schwab were excused on excused absence by the Speaker. Because of the death of Rep. Fund yesterday, April 28, the House is now organized with 124 members.

Prayer by guest chaplains, the Rev. David Gass, pastor, First Covenant Church, Salina, and his father, the Rev. Bruce Gass, pastor, Harper Community Bible Church, guests of Rep. Howell:

Prayer by David Gass:

God our Father we come today praising You as the giver of life. In these past days we have remembered the sacrifice of Your Son Jesus Christ on the cross to be the substitution for us, to pay the penalty for our sin, and then how on the third day He rose from the grave and so you raise us from death to life through the power of Your Holy Spirit.

Lord today we are grieved by the loss of our beloved Representative Rocky Fund. While we grieve his passing, we pause today for a moment of silence to remember his life, and to pray for his family, his friends, and those who loved him. May you bring them comfort today God.

Father we also think of the families of those hundreds who lost their lives in the storms just a couple of days ago. May we always remember that every life is sacred, and every moment is precious. We praise You Lord, the Giver of Life.

Prayer by Bruce Gass:

Please grant comfort and help to the friends and family of Rocky Fund. We thank you for his years of public service. Please be with this body of public servants, carry their grief and come alongside them as they hurt.

Almighty God I agree in Christ with my son and add my voice asking you to grant good judgment, discernment of facts and

character, Godly wisdom and righteous character to all these representatives. Please gracious Father, bless these folks with safety in travel and wise choices for their health. Please bring old fashioned revival to our dwindling and weak churches. Please rebuke and bind and cast away any and all destructive dark forces physical, spiritual, intellectual or educational that would destroy or harm the people of Kansas in any way. Please build a powerful hedge and wall of protection around our State. We understand that it is you, God, who have raised up these very representatives to do this work in this house at this very time. I ask these things in the name and Blood of the Lord Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Ruiz.

Kansas Trivia Question – In 1912 Kansas State Agricultural College (later Kansas State) became the first to broadcast what?

Answer: Weather reports.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources Budget: **HB 2408**. Energy and Utilities: **HCR 5027**; **HR 6024**, **HR 6025**.

Rules and Journal: HR 6026.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 25, AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 23; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Ballard, Bethell, Bollier, Burgess, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Grant, Henderson, Hill, Kuether, Lane, Prescott, Roth, Ruiz, Sloan, Tietze, Winn, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Landwehr, Schwab, Weber.

The substitute bill passed.

HR 6017, A RESOLUTION urging the United States congress to repeal 23 U.S.C. 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Landwehr, Schwab, Weber.

The resolution was adopted.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Mast in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mast, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rule be suspended for the purpose of considering **HB 2314**; **SB 97**.

Committee report to **HB 2314** be adopted; and the bill be passed as amended.

Committee report to **SB 97** be adopted; also, on motion of Rep. Davis to amend, the motion did not prevail, and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 131, by Representative Schwab, commending James Sullinger on his retirement after 28 years' reporting on the Kansas Legislature for the Kansas City Star;

Request No. 132, by Representatives Grant and D. Gatewood, commending Beth Bradrick, Ph.D. for her service to the people and community in southeast Kansas;

Request No. 133, by Representative Proehl, congratulating Nathan McAlister on being named the 2010 national History Teacher of the Year;

Request No. 134, by Representative Gregory, congratulating Baker University Dance Team in recognition of being named the NAIA National Dance Alliance National Champions;

Request No. 135, by Representative Gregory, congratulating Lloyd and Doris Wingert on their 60th wedding anniversary;

Request No. 136, by Representative Gregory, honoring the memory of Elizabeth Miller Watkins in celebration of her 150th birth year in recognition of her generosity in establishing Watkins Scholarship Hall, one of the first scholarship halls in America on the University of Kansas campus;

Request No. 137, by Representative Gregory, honoring the memory of Elizabeth Miller Watkins in celebration of her 150th birth year in recognition of her generosity in establishing Miller Scholarship Hall, one of the first scholarship halls in America on the University of Kansas campus;

Request No. 138, by Representative Worley, congratulating Kansas Cold War Veterans Association in recognition of Cold War Victory Day, May 1, 2011;

Request No. 139, by Representative Phelps, congratulating Glenn Staab for his dedication of 20 years of service to the 1st District and the Ellis County Democrat Party;

Request No. 140, by Representative Phelps, congratulating Skyler Urban on achieving the rank of Eagle Scout:

Request No. 141, by Representative Ballard, congratulating Phillip and Patricia Friedeman for over 50 years of marriage;

Request No. 142, by Representative Ballard, congratulating Bob and Jackie Shmalberg on

their 50th Anniversary;

Request No. 143, by Representative Ballard, congratulating Jack and Mary Arensberg for over 50 years of marriage;

Request No. 144, by Representative Ballard, congratulating Edwin and Kathleen Turner for over 50 years of marriage;

Request No. 145, by Representative Holmes, congratulating Elva Morales on being selected Outstanding Alumni of 2011 by the American Association of Community Colleges:

Request No. 146, by Representative Ballard, congratulating Tyrel Reed on his academic and athletic achievements at the University of Kansas;

Request No. 147, by Representative Grange, congratulating El Dorado 1st Baptist Church on their 140th anniversary;

Request No. 148, by Representative Schwartz, congratulating the Kansas Organization of the Delta Kappa Gamma Society International on their 75th anniversary;

Request No. 149, by Representative Hayzlett, congratulating Coach Glenn O'Neil and the boys of the Scott City basketball team on winning the State Class 3A Championship at Hutchinson;

Request No. 150, by Representative Feuerborn, congratulating Rita M. Nienstedt on her many years of contributions to her students in the state of Kansas and her upcoming retirement;

Request No. 151, by Representative Hayzlett, congratulating Coach Jeff Starkey and the Tribune-Greeley County high school boys basketball team for winning the 2011 Class 1A, Division II, Kansas State Basketball Championship;

Request No. 152, by Representative Hayzlett, congratulating Coach Greg Cook and the Girls and Boys Tribune-Greeley County Cross Country Teams for winning the 2010 Class 1A Kansas State Cross Championships;

Request No. 153, by Representative Schroeder, congratulating Trevor Alan Birney on achieving the rank of Eagle Scout;

Request No. 154, by Representative Gail Finney, congratulating the Progressive Missionary Baptist Church on their Sixty-Fifth Anniversary;

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

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

REPORT ON ENROLLED RESOLUTIONS

HR 6022 reported correctly enrolled and properly signed on April 29, 2011.

On motion of Rep. Siegfreid, the House adjourned until 11:00 a.m., Monday, May 2, 2011.

Journal of the House

FIFTY-SEVENTH DAY

Hall of the House of Representatives, Topeka, KS, Monday, May 2, 2011, 1:00 p.m.

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

The roll was called with 119 members present.

Reps. Aurand, Brunk, Gordon, Kelley and Peck were excused on excused absence by the Speaker.

Present later: Reps. Gordon and Kelley.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Earlier today we celebrated and honored the life of our friend and colleague. Rocky Fund. It is at moments such as this that we are reminded that our lives are like a mist that appears for a little while and then vanishes. We are compelled to take a look at our priorities in order to redeem our time here on earth. We are challenged to devote our time and energy to things that make an impact not only in the temporal, but also for eternity. So, today, Lord, I ask that Your Spirit will gently nudge our leaders to remind them to speak and act kindly, choose their battles, express appreciation to one another, stand for their convictions to work diligently – play heartily and love unconditionally. In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Collins.

Kansas Trivia Question – The Republican River was named long before there was a Republican Party. What is the source of the name?

Answer: French explorers called the Kitkehahki branch of the Pawnees the Republican Pawnee and named the river for them.

MESSAGE FROM THE GOVERNOR

May 2. 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-08 for your information

EXECUTIVE ORDER 11-08 Conditional and Temporary Relief from Motor Carrier Rules and Regulations

> Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

COMMUNICATIONS FROM STATE OFFICERS

From William V. Minner, Executive Director, Kansas Human Rights Commission, pursuant to K.S.A. 44-1004 (13), Annual Report, Fiscal Year, 2010, July 1, 2009-June 30, 2010.

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

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 170**, and requests return of the bill. Announcing passage of **HB 2392**.

The Senate adopts conference committee report on S. Sub. for HB 2049.

The Senate adopts conference committee report on HB 2119.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2314, AN ACT concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a and 24-409 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery,

Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Gordon, Kelley, Peck.

The bill passed, as amended.

SB 97, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending Section 254 of chapter 136 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 30; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Goico, Gonzalez, Grange, Gregory, Hayzlett, Hedke, Henderson, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Pottorff, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Seiwert, Shultz, Sloan, Smith, Spalding, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlin, Dillmore, Feuerborn, Garber, D. Gatewood, S. Gatewood, Goodman, Grant, Grosserode, Henry, Hildabrand, Huebert, Landwehr, Lane, Loganbill, McCray-Miller, O'Brien, Phelps, Powell, Scapa, Schwab, Schwartz, Siegfreid, Slattery, Suellentrop, Swanson, Tietze, Tyson, Williams.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Gordon, Kelley, Peck.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2396** be passed.

Committee on **Energy and Utilities** recommends **HR 6024**, **HR 6025** be adopted, and because the committee is of the opinion that the resolutions are of a noncontroversial nature, be placed on the consent calendar.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6027—

By Committee on Energy and Utilities

A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.

WHEREAS, Residents of this state living in rural areas deserve and expect the same

high-quality, affordable communications services that are available to their urban neighbors; and

WHEREAS, Similar to businesses in urban areas, rural businesses, farmers and ranchers compete in the global marketplace and depend on affordable access to robust broadband services to market and sell their products around the world; and

WHEREAS, Children living in rural areas should have the same educational opportunities as their urban counterparts, and high-speed internet access is absolutely necessary to allow these students opportunities for advanced learning through distance education; and

WHEREAS, Residents living in rural areas face unique health care challenges because of the distances that must be traveled to seek basic and advanced medical care, and telemedicine delivered via broadband networks can improve the health of rural residents by reducing the time and travel needed for high-quality health care; and

WHEREAS, Many rural areas encounter significant challenges in pursuing and sustaining economic development plans that bring quality, higher-paying jobs to their communities, and insufficiently robust broadband speeds will further hamper the economic development needs of many rural communities; and

WHEREAS, The United States Department of Agriculture has rightfully placed significant importance on the need for broadband access in rural America to improve quality of life and economic development; and

WHEREAS, Communications providers that serve this state's rural areas have worked diligently to ensure that their consumers have access to affordable and reliable broadband services and have utilized the United States Department of Agriculture's Rural Utilities Service loan and grant programs for economic development; and

WHEREAS, Contrary to the progress rural communications providers have had in deploying broadband, the Federal Communications Commission is embarking on a National Broadband Plan that will negatively impact the ability of residents living in rural areas of this state to realize the true benefits of access to robust broadband speeds by limiting support to four megabits per second in rural, high-cost areas of the country, while calling for one hundred million urban homes to have access to broadband speeds at 100 megabits per second by 2020; and

WHEREAS, The National Broadband Plan runs counter to the federal universal service policy which ensures access to communications services at comparable rates regardless of the consumer's location: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we challenge the Federal Communications Commission to make substantive change to the National Broadband Plan so that the plan develops a universal service support mechanism that ensures accountability, promotes stability, provides efficient and effective incentives for broadband network deployment and operation and encourages broadband adoption by keeping broadband service affordable. The plan should also ensure high-quality service by linking funding to satisfying reasonable, but meaningful, carrier of last resort obligations. Consistent with the universal service principles in federal law, the plan should ensure that rural and urban consumers pay reasonably comparable rates for reasonably comparable services by providing adequate support in high-cost areas; and

Be it further resolved: That we urge the members of the Kansas Congressional Delegation, the Secretary of the United States Department of Agriculture and the

Administrator of the Rural Utilities Service to work with the Federal Communications Commission to ensure that commissioners understand the importance of robust broadband deployment to rural Americans and how the current draft of the National Broadband Plan needs to be dramatically altered to ensure quality broadband service availability throughout the country; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the commissioners of the Federal Communications Commission, the members of the Kansas Congressional Delegation, the Secretary of the United States Department of Agriculture, the Administrator of the Rural Utilities Service, the Chief Technology Officer in the White House Office of the Science and Technology Policy and the Governor of Kansas.

COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced the appointment of Rep. Powell as a member of the Committee on Appropriations to replace Rep. Peck for Monday, May 2.

On motion of Rep. Siegfreid, the House recessed until 3:30 p.m.

LATE AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on HB 2044.

The Senate adopts conference committee report on HB 2312.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2119**, submits the following report:

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

On page 2, in line 36, by striking "the" where it appears for the first time;

On page 3, in line 1, after "response" by inserting "service"; in line 4 by striking "service" and inserting "services"; by striking all in lines 16 through 43;

By striking all in pages 4 through 22;

On page 23, by striking all in lines 1 through 14 and inserting:

"Sec. 3. K.S.A. 8-305 is hereby repealed";

And by renumbering the remaining section accordingly:

On page 1, in the title, by striking all after "concerning"; by striking all in lines 4 through 9 and inserting "political subdivisions; pertaining to accident response service fees; pertaining to marking of motor vehicles; amending K.S.A. 8-305 and repealing the existing section.";

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

RUTH TEICHMAN
TY MASTERSON
ALLEN C. SCHMIDT
Conferees on part of Senate

Steve Huebert Joe Seiwert Ann E. Mah Conferees on part of House

On motion of Rep. Huebert, the conference committee report on HB 2119 was adopted.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Davis, Peck, Peterson.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huebert, the House concurred in Senate amendments to **HB 2195**, AN ACT concerning municipalities; establishing the organized collection service act. (The House requested the Senate to return the bill, which was in conference). On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer,

Vickrey, Victors, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.
Nays: Bollier, Boman, Brown, Collins, Dillmore, Donohoe, S. Gatewood, Goico,
Goodman, Kelley, Kiegerl, Kinzer, Mast, Montgomery, O'Brien, O'Hara, Scapa, Tyson,
Ward, Weber.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Davis, Peck, Peterson.

On motion of Rep. Huebert, the House concurred in Senate amendments to **HB 2240**, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312a, 17-1312d, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324.

(The House requested the Senate to return the bill, which was in conference). On roll call, the vote was: Yeas 109; Nays 10; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Donohoe, Garber, S. Gatewood, Kelley, Landwehr, Meier, O'Hara, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Davis, Peck, Peterson.

REPORT ON ENGROSSED BILLS

HB 2151, HB 2172 reported correctly engrossed April 28, 2011. HB 2105, HB 2147 reported correctly re-engrossed April 28, 2011. Also, HB 2020, HB 2282 reported correctly engrossed April 29, 2011. S. Sub. for HB 2133; Sub. HB 2271 reported correctly re-engrossed April 29, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Tuesday, May 3, 2011.

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Tuesday, May 3, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today I pray for our leaders
some advice given by a leader.
No matter how hard-fought the issue,
never let it get personal for you—
Do your homework;
You can't lead without knowing what you are talking about
or you will look like a jerk—
Next, our legislative process is one of give and take;
use your power as a leader to persuade, not intimidate—
Lastly, be considerate of the needs of your colleagues;
don't be the cause of their fatigue.
May words of wisdom fall upon listening ears.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Fawcett.

Kansas Trivia Question – In a good year for corn in Kansas, how high should it be by the 4th of July?

Answer: An elephant's eye.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Utilities: HR 6027.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Knox, HR 6019, A RESOLUTION honoring Representative Howard Sell, was adopted.

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

Today we honor the memory of a man who served in this body 50 years ago. Representative Howard Sell's service in the Kansas House was but a small part of his contributions to his state and to his country.

It seems a shame to wait until after death to honor the achievements of a life lived in service to others. But, Howard Sell was not a man to draw attention to himself.

So it is to his family that we say thank you and set aside this brief time to honor their father, grandfather, and great-grandfather for a life full of service and achievement.

Howard served his country in the European Theater of World War II, receiving the Soldier's Medal for bravery and spending the year after the war in military hospitals.

His service to rural Kansas lingers still because of KEPCo, the bulk electric power supplier, of which he was a founder and the first president. Rural electric cooperatives still receive inexpensive power from KEPCo's ownership in the Wolf Creek Nuclear Power Generation Station and from the hydroelectric sources that he had the foresight to push forward.

His involvement in his community in areas as widely ranging as the Boy Scouts, banking, and the arts laid a foundation that is still built upon today.

Members of Representative Sell's family here today are his son Philip Sell with his wife Barbara; his daughter Nancy Johnson; grandson Chris Johnson; granddaughter Cindy Johnson; granddaughter Erin Myers with her husband Brady and great-grandson and great-granddaughter Jacob and Ella Myers; granddaughter Amy Jordan and great-granddaughter Ava Jordan.

For Representative Sell's life of service please join me in honoring him and in recognizing his family for a life well lived.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Sloan, HCR 5024, A CONCURRENT RESOLUTION recognizing Lecompton as a Territorial Capital, was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6028-

by Representative O'Neal

A RESOLUTION congratulating and commending Randy Hearrell.

WHEREAS, Randy Hearrell retired from the Kansas judicial council in December 2010 from his position as executive director. He has also served as director of the judicial performance commission since its inception in 2006; and

WHEREAS, During Mr. Hearrell's tenure, the council was instrumental in redrafting the civil code, criminal code, sentencing statutes and probate code, as well as, numerous other statutes every year. He was also actively involved in the creation of the Kansas judicial report card: and

WHEREAS, Mr. Hearrell was born on August 12, 1945 in Joplin, Missouri. His parents lived in Baxter Springs, Kansas, but at that time, the nearest hospital was in Joplin. His family moved to Topeka in 1957; and

WHEREAS, Mr. Hearrell graduated from Washburn University in 1966 and Washburn law school in 1970. While in law school, he received a fellowship that exposed him to the legislative process and ultimately led him down the path of working for the judicial council; and

WHEREAS, Mr. Hearrell has been married to his wife, Carla Nordstrom for 46 years. They have two sons, York and Zack; and

WHEREAS, Mr. Hearrell is widely respected for his years of service and dedication to the judicial council: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Randy Hearrell for his many years of service to the Kansas judicial council and extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send three enrolled copies of this resolution to the Speaker of the House.

CONSENT CALENDAR

No objection was made to **HR 6024**, **HB 6025** appearing on the Consent Calendar for the first day.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering SB 10, H. Sub. for SB 55; SB 93, SB 124; HB 2044; S. Sub. for HB 2049; S. Sub. for HB 2080; Sub. HB 2135; S. Sub. for HB 2267; HB 2312.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044** 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, in line 27, by striking "5" and inserting "6"; also in line 27, before the period, by inserting ", except as provided in subsection (a)(5)"; following line 27, by inserting: "(5) The death of any person, if the person knew or reasonably should have known that such accident resulted in injury or death, shall be a level 5, person felony.";

On page 4, in line 38, following "40" by inserting "of chapter 136 of the 2010 Session Laws of Kansas":

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

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate
PAT COLLOTON
LANCE KINZER
MELODY McCRAY MILLER
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on HB 2044 was adopted.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Brunk, Burgess, DeGraaf, Gordon, Grosserode, Hildabrand, Hoffman, Kelley, McLeland, Schwartz, Tyson.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049**, 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 HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22; following line 30, by inserting the following:

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

"(10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU 211.

- Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.
- (b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of

vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(A)	Raw opium	9600
(B)	Opium extracts	9610
(C)	Opium fluid	0.600
(D)	Powdered opium	9639
(E)	Granulated opium	9640
(F)	Tincture of opium	
(G)	Codeine	9050
(H)	Ethylmorphine	9190
(I)	Etorphine hydrochloride	
(J)	Hydrocodone	9193
(K)	Hydromorphone	
(L)	Metopon	9260
(M)	Morphine	9300
(N)	Oxycodone	9143
(O)	Oxymorphone	9652
(P)	Thebaine	0000
(Q)	Dihydroetorphine	9334
(R)	Oripavine	

- (2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
 - (3) Opium poppy and poppy straw.
- (4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).
 - (5) Cocaine, its salts, isomers and salts of isomers (9041).
 - (6) Ecgonine, its salts, isomers and salts of isomers (9180).
- (7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).
- (c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1)	Alfentanil	9737
(2)	Alphaprodine	9010
(3)	Anileridine	9020

(4)	Bezitramide	9800
(5)	Bulk dextropropoxyphene (nondosage forms)	9273
(6)	Carfentanil	9743
(7)	Dihydrocodeine	9120
(8)	Diphenoxylate	9170
(9)	Fentanyl	9801
(10)	Isomethadone	9226
(11)	Levomethorphan	9210
(12)	Levorphanol	9220
(13)	Metazocine	9240
(14)	Methadone	9250
(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-dipher	
		9254
(16)	Moramide-intermediate, 2-methyl-3- morpholino-1, 1-dipheny	lpropane-
	carboxylic acid	9802
(17)	Pethidine (meperidine).	9230
(18)	Pethidine-intermediate-A, 4-cyano-1-methyl- 4-phenylpiperidi	ne9232
(19)	Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carbox	
(20)	Pethidine-intermediate-C, 1-methyl-4-phenyl- piperidine-4-car	
` /	acid	•
(21)	Phenazocine	9715
(22)	Piminodine	
(23)	Racemethorphan	
(24)	Racemorphan	
(25)	Sufentanil	
(26)	Levo-alphacetyl methadol.	
	e other names: levo-alpha-acetyl methadol, levomethadyl acetate	
	LAAM.	
(27)	Remifentanil	9739
(28)	Tapentadol	
\	•	
(d)		
	e following substances having a potential for abuse associated with a	a stimulant
effect	on the central nervous system:	1100
	Amphetamine, its salts, optical isomers and salts of its optical isomers	1100
(2)	Phenmetrazine and its salts	
(3)	Methamphetamine, including its salts, isomers and salts of isom	
(4)	Methylphenidate	
<u>(5)</u>	Lisdexamfetamine, its salts, isomers, and salts of its isomers	1205

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts,

isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) Amobarbital2125
(2) Glutethimide
(3) Secobarbital 2315
(4) Pentobarbital
(5) Phencyclidine7471
(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:
(1) Immediate precursor to amphetamine and methamphetamine:
(A) Phenylacetone8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
(2) Immediate precursors to phencyclidine (PCP):
(A) 1-phenylcyclohexylamine7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC)8603
(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: Nabilone
hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one] Sec. 5. K.S.A. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.
(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
(1) Any compound, mixture or preparation containing: (A) Amobarbital
(A) Amobarbital
(C) Pentobarbital
which are not listed in any schedule.
(2) Any suppository dosage form containing:
(A) Amobarbital
(B) Secobarbital
(C) Pentobarbital
or any salt of any of these drugs and approved by the Food and Drug
Administration for marketing only as a suppository.

(3)	Any substance which contains any quantity of a derivative of barbitu	ıric
	acid, or any salt of a derivative of barbituric acid, except those	
	substances which are specifically listed in other schedules	.2100
(4)	Chlorhexadol	.2510
(5)	Lysergic acid	.7300
(6)	Lysergic acid amide	.7310
(7)	Methyprylon	
(8)	Sulfondiethylmethane	.2600
(9)	Sulfonethylmethane	
	Sulfonmethane	
(11)	Tiletamine and zolazepam or any salt thereof	
	Some trade or other names for a tiletamine-zolazepam combination product: Telazol	on
	Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone	
	Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6	,8-
	dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one	e ,
	flupyrazapon	
(12)	Ketamine, its salts, isomers, and salts of isomers	.7285
	Some other names for ketamine: (\pm) -2-(2-chlorophenyl)-2-	
	(methylamino)-cyclohexanone	
(13)	Gamma hydroxybutyric acid, any salt, hydroxybutyric compound,	
	derivative or preparation of gamma hydroxybutyric acid contained	
	a drug product for which an application has been approved unde	r
	section 505 of the federal food, drug and cosmetic act	
<u>(14)</u>	Embutramide	
(c)		
(d		
	wing narcotic drugs or any salts calculated as the free anhydrous be	ase or
	oid, in limited quantities as set forth below:	
(1)	Not more than 1.8 grams of codeine or any of its salts per 100 millil or not more than 90 milligrams per dosage unit with an equal or	
(2)	greater quantity of an isoquinoline alkaloid of opium	
(2)	not more than 1.8 grams of codeine or any of its salts per 100 millili	
	or not more than 90 milligrams per dosage unit with one or more	
	active, nonnarcotic ingredients in recognized therapeutic amount	
(2)		.9804
(3)	not more than 300 milligrams of dihydrocodeinone (hydrocodone) o	r any
	of its salts per 100 milliliters or not more than 15 milligrams per	
	dosage unit with a fourfold or greater quantity of an isoquinoline	
(4)	alkaloid of opium	
(4)	not more than 300 milligrams of dihydrocodeinone (hydrocodone) o	r any

dosage unit with one or more active, nonnarcotic ingredients in	
recognized therapeutic amounts	06
(5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100	
milliliters or not more than 90 milligrams per dosage unit with one of	or
more active, nonnarcotic ingredients in recognized therapeutic	
amounts	
(6) not more than 300 milligrams of ethylmorphine or any of its salts per 10	
milliliters or not more than 15 milligrams per dosage unit with one of	or
more active, nonnarcotic ingredients in recognized therapeutic	
amounts98	.08
(7) not more than 500 milligrams of opium per 100 milliliters or per 100	
grams or not more than 25 milligrams per dosage unit with one or	
more active, nonnarcotic ingredients in recognized therapeutic	
amounts98	.09
(8) not more than 50 milligrams of morphine or any of its salts per 100	
milliliters or per 100 grams with one or more active, nonnarcotic	
ingredients in recognized therapeutic amounts98	10
(9) any material, compound, mixture or preparation containing any of the	
following narcotic drugs or their salts, as set forth below:	
(A) Buprenorphine90	
(e) Unless specifically excepted or unless listed in another schedule, any material	
compound, mixture or preparation which contains any quantity of the following	
substances having a stimulant effect on the central nervous system, including its sal	
isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the speci	
chemical designation:	пс
(1) Those compounds, mixtures or preparations in dosage unit form containing a	nv
stimulant substance listed in schedule II, which compounds, mixtures or preparation	
were listed on August 25, 1971, as excepted compounds under section 308.32 of title	
of the code of federal regulations, and any other drug of the quantitive compositi	
shown in that list for those drugs or which is the same, except that it contains a less	
quantity of controlled substances	
(2) Benzphetamine 12	
(3) Chlorphentermine	
(4) Chlortermine	
(5) Phendimetrazine16	
(f) Anabolic steroids	
"Anabolic steroid" means any drug or hormonal substance, chemically a	
pharmacologically related to testosterone (other than estrogens, progestins, a	ınd
corticosteroids) that promotes muscle growth, and includes: (1) boldenone	
(1) boldenone (2) chlorotestosterone (4-chlortestosterone)	
(3) clostebol	
(3) CIOSICOUI	

- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebulone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone
- (28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.
- (A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.
- (B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).
- (g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9-tetrahydrocannabinol.

- (h) The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.
- Sec. 6. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.
- (b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1)	Alpraz	zolam	.2882
(2)	Barbi	ital	.2145
(3)	Brom	nazepam	.2748
(4)	Cama	azepam	.2749
(5)		ral betaine	
(6)	Chlor	ral hydrate	.2465
(7)	Chlor	rdiazepoxide	.2744
(8)		azam	
(9)	Clona	azepam	.2737
(10)		razepate	
(11)		tiazepam	
(12)		xazolam	
(13)	Dele	orazepam	.2754
(14)		zepam	
(15)		hloralphenazone	
(15)		Estazolam	
(16)	(17)	Ethchlorvynol	.2540
(17) ((18)	Ethinamate	.2545
(18)	<u>(19)</u>	Ethyl loflazepate	.2758
(19) 9		Fludiazepam	
(20)		Flunitrazepam	
(21)		Flurazepam	
(23)		propofol	
(22) 9		Halazepam	
(23)		Haloxazolam	
(24)		Ketazolam	.2772
(25) 9			.2773
$\frac{(26)}{(26)}$		Lorazepam	.2885

(27) (29)	Lormetazepam	2774
(28) (30)	Mebutamate	2800
(29) (31)	Medazepam	2836
(30) (32)	Meprobamate	
(31) (33)	Methohexital	2264
(32) (34)	Methylphenobarbital (mephobarbital)	2250
(33) (35)	Midazolam	2884
(34) (36)	Nimetazepam	2837
(35) (37)	Nitrazepam	2834
(36) (38)	Nordiazepam	2838
(37) (39)	Oxazepam	2835
(38) (40)	Oxazolam	2839
(39) (41)	Paraldehyde	
(40) (42)	Petrichloral	2591
(41) (43)	Phenobarbital	2285
(42) (44)	Pinazepam	2883
(43) (45)	Prazepam	
(44) (46)	Quazepam	
(45) (47)	Temazepam	
(46) (48)	Tetrazepam	2886
(47) (49)	Triazolam	
(48) (50)	Zolpidem	
(49) (51)	Zaleplon	2781
(52) Zo	piclone	<u>2784</u>
	ny material, compound, mixture, or preparation which contains any	
	amine (1670), including its salts, isomers (whether optical, po	
	and salts of such isomers, whenever the existence of such salts, iso	
	mers is possible. The provisions of this subsection (c) shall expire one and its salts and isomers are removed from schedule IV of the	
	substances act (21 United States code 81221 U.S.C. § 812 ; 21 code	
regulations		or rederar
	iless specifically excepted or unless listed in another schedule, any	material.
	, mixture or preparation which contains any quantity of the	
	having a stimulant effect on the central nervous system, including	
	whether optical, position or geometric) and salts of such isomers whe	
	of such salts, isomers and salts of isomers is possible within the	e specific
	lesignation:	1000
	nine ((+)-norpseudoephedrine)	
` /	hylpropion	
` /	camfamin	
	proporex	
	rindol	
(6) Mef	enorex	1580

alone:

(7) Pemoline (including organometallic complexes and chelates thereof) 1530
(8) Phentermine
The provisions of this subsection (d)(8) shall expire on the date phentermine and its
salts and isomers are removed from schedule IV of the federal controlled substances act
(21 United States code 81221 U.S.C. § 812; 21 code of federal regulations 1308.14).
(9) Pipradrol
(10) SPA((-)-1-dimethylamino-1,2-diphenylethane)
(11) Sibutramine
(12) Mondafinil
(e) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture or preparation which contains any quantity of the following,
including salts thereof:
(1) Pentazocine
(2) Butorphanol (including its optical isomers)
(f) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture or preparation containing any of the following narcotic drugs, or
their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
forth below:
(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of
atropine sulfate per dosage unit
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
2-diphenyl-3- methyl-2-propionoxybutane)9278
(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.
(h) The board may except by rule and regulation any compound, mixture or
preparation containing any depressant substance listed in subsection (b) from the
application of all or any part of this act if the compound, mixture or preparation
contains one or more active medicinal ingredients not having a depressant effect on the
central nervous system, and if the admixtures are included therein in combinations,
quantity, proportion or concentration that vitiate the potential for abuse of the
substances which have a depressant effect on the central nervous system.
Sec. 7. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as follows: 65-4113.
(a) The controlled substances or drugs, by whatever official name, common or usual
name, chemical name or brand name designated, listed in this section are included in schedule V.
(b) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture or preparation containing the following narcotic drug or its salts:
Buprenorphine 9064
(e)(b) Any compound, mixture or preparation containing limited quantities of any
of the following narcotic drugs which also contains one or more nonnarcotic active
medicinal ingredients in sufficient proportion to confer upon the compound, mixture or
preparation valuable medicinal qualities other than those possessed by the narcotic drug

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
 - (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.
- —(d)(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- —(f)(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.
- (f) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:
- (1) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide] 2746 (2) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].............2782";

Also on page 10, in line 6, by striking all following "K.S.A." and inserting "65-4107, 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111 and 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105, 65-4105, as amended by section 1 of 2011 House Bill No. 2023, 65-4113 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023 are"; in line 9, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, after "K.S.A." by inserting "65-4107, 65-4109 and 65-4111 and K.S.A."; in line 2, by striking all following "21-36a06" and inserting ", 65-4105 and 65-4113 and repealing the existing sections; also repealing K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023.";

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

Vicki Schmidt
Pete Brungardt
Laura Kelly
Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on S. Sub. HB 2049 was adopted.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Gordon, Schwab. Present but not voting: None. Absent or not voting: Hedke.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2312** submits the following report:

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

On page 5, in line 42, by striking "prepared" and inserting "approved";

On page 10, in line 42, after "theft" by inserting "of";

On page 15, in line 17, after "wiring" by inserting "of 25 pair or greater";

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

THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on HB 2312 was adopted.

On roll call, the vote was: Yeas 110; Nays 14; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Feuerborn, Frownfelter, D. Gatewood, Grosserode, Hildabrand, Kelly, Landwehr, McLeland, Peck, Phelps, Tyson, Ward.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

Thomas C. Owens
Jeff King
David Haley
Conferees on part of Senate

On motion of Rep. Colloton the conference committee report on **H. Sub. for SB 55** to agree to disagree, was adopted.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, 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 30, by striking "and agencies";

On page 4, by striking all in line 1 and inserting "office of the attorney general"; in line 32, by striking "officer" and inserting "officers";

On page 5, in line 9, by striking all after "with"; by striking all in line 10; in line 11, by striking "commission" and inserting "the office of the attorney general. The office of the attorney general"; also in line 11, before the period, by inserting "and may find there is insufficient evidence of racial or other biased-based policing or may forward the complaint for further review and possible action to the Kansas commission on peace officers' standards and training. The commission shall review and, if necessary, further investigate the complaint. The commission may take action on the officer's certification or other corrective action as allowed by its governing statutes and rules and regulations"; in line 12, by striking "commission's designee" and inserting "commission"; in line 13, by striking "making" and inserting "taking"; in line 14, by striking "recommendation" and inserting "action"; following line 18, by inserting the following:

"(b) Within 10 days of receiving a complaint, the office of the attorney general shall provide notification that such complaint has been filed to the accused officer and to the head of the accused officer's law enforcement agency, including a copy of all complaint documentation submitted by the complainant.";

And by relettering the remaining subsections accordingly; On page 6, in line 10, after "agency" by inserting "and officer"; And your committee on conference recommends the adoption of this report.

LANCE KINZER
JOE PATTON
JANICE L. PAULS

Conferees on part of House

PETE BRUNGARDT ROGER P. REITZ

Conferees on part of Senate

On motion of Rep. Kinzer, the conference committee report on **SB 93** was adopted. On roll call, the vote was: Yeas 96; Nays 27; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mah,

Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Henderson, Kiegerl, Kuether, Lane, Loganbill, McCray-Miller, Meier, Peterson, Phelps, Ruiz, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore

Present but not voting: None. Absent or not voting: Hedke.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 124** submits the following report:

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

On page 1, in line 5, before "Section" by inserting "New";

On page 2, in line 7, before "Sec." by inserting "New"; in line 14, before "Sec." by inserting "New"; in line 27, before "Sec." by inserting "New";

On page 3, in line 23, before "Sec." by inserting "New"; in line 38, before "Sec." by inserting "New"; in line 42, before "Sec." by inserting "New";

On page 4, in line 6, before "Sec." by inserting "New"; in line 16, before "Sec." by inserting "New"; in line 33, before "Sec." by inserting "New";

On page 5, in line 38, before "Sec." by inserting "New";

On page 6, in line 1, before "Sec." by inserting "New"; in line 10, before "Sec." by inserting "New"; in line 19, before "Sec." by inserting "New"; in line 28, before "Sec." by inserting "New"; in line 30, before "Sec." by inserting "New"; in line 34, before "Sec." by inserting "New"; also in line 34, by striking "river";

On page 7, in line 11, before "Sec." by inserting "New"; in line 24, before "Sec." by inserting "New":

On page 8, in line 15, before "Sec." by inserting "New";

On page 9, in line 7, before "Sec." by inserting "New"; in line 31, before "Sec." by inserting "New"; in line 37, before "Sec." by inserting "New"; in line 40, before "Sec." by inserting "New"; following line 41, by inserting the following:

"New Sec. 25. (a) The chief engineer may administer a water rights conservation program. An eligible water right in good standing may be enrolled in the program, subject to the approval of the chief engineer.

- (b) A water right may be enrolled in the program for a period that shall not exceed 10 years. A water right enrolled in the program may be re-enrolled within two years of the expiration date of the previous enrollment period, subject to the approval of the chief engineer.
- (c) Each application for enrollment in the program and each application for renewal of enrollment shall include a non-refundable fee not to exceed \$300.
 - (d) All fees collected by the chief engineer pursuant to this section shall be remitted

to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.

- (e) The chief engineer shall adopt rules and regulations to effectuate and administer the provisions of this section.
- Sec. 26. K.S.A. 2010 Supp. 82a-718 is hereby amended to read as follows: 82a-718. (a) All appropriations of water must be for some beneficial purpose. Every water right of every kind shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful, beneficial use is henceforth made of water under such right for five successive years. Before any water right shall be declared abandoned and terminated the chief engineer shall conduct a hearing thereon. Notice shall be served on the user at least 30 days before the date of the hearing. The determination of the chief engineer pursuant to this section shall be subject to review in accordance with the provisions of K.S.A. 2010 Supp. 82a-1901, and amendments thereto.

The verified report of the chief engineer or such engineer's authorized representative shall be prima facie evidence of the abandonment and termination of any water right.

- (b) When no lawful, beneficial use of water under a water right has been reported for three successive years, the chief engineer shall notify the user, by certified mail, return receipt requested, that: (1) No lawful, beneficial use of the water has been reported for three successive years; (2) if no lawful, beneficial use is made of the water for five successive years, the right may be terminated; and (3) the right will not be terminated if the user shows that for one or more of the five consecutive years the beneficial use of the water was prevented or made unnecessary by circumstances that are due and sufficient cause for nonuse, which circumstances shall be included in the notice.
- (c) The provisions of subsection (a) shall not apply to a water right that has not been declared abandoned and terminated before the effective date of this act if the five years of successive nonuse occurred exclusively and entirely before January 1, 1990. However, the provisions of subsection (a) shall apply if the period of five successive years of nonuse began before January 1, 1990, and continued after that date.
- (d) Notwithstanding the provisions of subsection (a), an eligible water right enrolled in and continually in compliance with the water rights conservation program, pursuant to section 25, and amendments thereto, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.
- (d)(e) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer and where means of diversion are available to put water to a beneficial use within a reasonable time, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.
- Sec. 27. K.S.A. 2010 Supp. 82a-731 is hereby amended to read as follows: 82a-731. There is hereby created in the state treasury the water appropriation certification fund. The chief engineer of the division of water resources of the Kansas department of agriculture shall remit all moneys received under K.S.A. 82a-708a, 82a-708b and 82a-727, and amendments thereto, and section 25, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the water appropriation certification fund. All expenditures from the water appropriation certification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and

reports issued pursuant to vouchers approved by the secretary of agriculture or by a person designated by the secretary.

- Sec. 28. K.S.A. 2010 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) As used in this section:
- (1) "Base average usage" means: (A) The average amount of water actually used for a beneficial use under a groundwater water right during calendar years 19922000 through 20022009, excluding any amount used in any such year in excess of the amount authorized by such water right; or (B) if the holder of a groundwater water right shows to the satisfaction of the chief engineer that the holder has implemented significant water conservation measures during calendar years 1992 2000 through 20022009, the average amount of water actually used for a beneficial use under such right during the five calendar years immediately before the calendar year when such measures were implemented, excluding any amount used in any such year in excess of the amount authorized by such water right.
- (2) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.
- (b) Any holder of a groundwater water right which has not been deposited or placed in a safe deposit account in a chartered water bank may establish a flex account where the holder may deposit, in advance, water from such water right for any five consecutive calendar years, subject to the following:
- (1) The water right must be vested or shall have been issued a certificate of appropriation;
- (2) the withdrawal of water pursuant to the water right shall be properly and adequately metered;
- (3) the water right shall not have been be deemed abandoned and shall be in good standing, based on past water usage and compliance with the terms of the holder's permit and all applicable provisions of law and orders of the chief engineer; and
- (4) the amount of water that shall be deposited in the account shall not exceed 90% of the amount of the holder's base average usage times five.
- (c) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the five consecutive calendar years for which the application for the term permit is made, without annual limits on such use. Application for any such term permit shall be filed not later than October 10, of the year preceding the first year for which the application is made.
 - (d) Term permits provided for by this section shall be subject to the following:
 - (1) A separate term permit shall be required for each point of diversion.
- (2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (b)(4).
- (3) The authorized place of use for the term permit shall not be greater than that authorized by the existing groundwater right.
- (4) The chief engineer may establish, by rules and regulations, criteria for such term permits when the water right authorizes multiple points of diversion or multiple water rights authorize a single point of diversion or overlapping places of use.
- (5) Except as explicitly provided for by this section, such term permits shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations

adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.

- (e) Unless a term permit is issued pursuant to an application filed before November 1 of the year prior to the first year for which the application is made, the quantity of water used under the water right during the year in which the application for the term permit is filed shall be deducted from the amount of water deposited into the account authorized by the term permit.
- (e)(f) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.
- (f)(g) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on environment and the senate standing committee on natural resources on or before February 1 of each year.
- $\frac{(g)(h)}{h}$ This section shall be part of and supplemental to the Kansas water appropriation act.
- New Sec. 29. (a) (1) There is hereby established in the state treasury the Arkansas river gaging fund, which shall be administered by the secretary of agriculture. All expenditures from the Arkansas river gaging fund shall be for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, except that, after all expenditures are made during the fiscal year for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, then, in accordance with the following priorities and subject to the expenditure limitations prescribed therefor:
- (A) First, any remaining moneys authorized to be expended from the fund for the fiscal year shall be expended for the purposes of livestock market reporting in an amount not to exceed \$20,000 in a fiscal year; and
- (B) second, if there are any remaining moneys authorized to be expended from the fund for the fiscal year after the expenditures for livestock market reporting, then expenditures shall be made from the fund for the purpose of funding the bluestem pasture report in an amount not to exceed \$5,000.
- (2) All expenditures from the Arkansas river gaging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary of agriculture.
- (b) All moneys received as royalties from the state's oil and gas leases in Hamilton, Kearny, Finney, Gray and Ford counties, except those moneys arising from leases on lands under the control of the secretary of wildlife and parks as provided by K.S.A. 32-854, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Arkansas river gaging fund. During each fiscal year, when the total amount of moneys credited to the fund is equal to \$75,000, no further moneys shall be credited to the fund. The remainder of the moneys received for such royalties for such fiscal year shall be

credited to the state general fund.

Sec. 30. K.S.A. 2010 Supp. 82a-718, 82a-731 and 82a-736 are hereby repealed."; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and"; in line 2, by striking all before the period and inserting "; water rights conservation program; multi-year flex accounts; Arkansas river gaging fund; amending K.S.A. 2010 Supp. 82a-718, 82a-731 and 82a-736 and repealing existing sections";

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

Larry Powell
Dan Kerschen
Jerry Williams
Conferees on part of House

RALPH OSTMEYER
CAROLYN McGINN
MARCI FRANCISCO
Conferees on part of Senate

On motion of Rep. Powell, the conference committee report on **SB 124** was adopted. On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Huebert, the House nonconcurred in Senate amendments to S. Sub. for HB 2267 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Huebert, Seiwert and Mah as conferees on the part of the House.

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to S.

Sub. for HB 2080 and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

On motion of Rep. Siegfreid, the House recessed until 11:30 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CHANGE OF REFERENCE

Speaker pro tem Vickrey announced the withdrawal of **SB 191** from Committee on Agriculture and Natural Resources and referral to Committee on Agriculture and Natural Resources Budget.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 10** 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 17, after line 31, by inserting the following:

"Sec. 4. On and after July 1, 2011, K.S.A. 2010 Supp. 79-1701a is hereby amended to read as follows: 79-1701a. Any taxpayer, the county appraiser or the county clerk shall, on their own motion, request the board of county commissioners to order the correction of the clerical errors in the appraisal, assessment or tax rolls as described in K.S.A. 79-1701, and amendments thereto. The board of county commissioners of the several counties are hereby authorized to order the correction of clerical errors, specified in K.S.A. 79-1701, and amendments thereto, in the appraisal, assessment or tax rolls for the current year and the immediately preceding two years during the period on and after November 1 of each year. If a county treasurer has collected and distributed the property taxes of a taxpayer and it shall thereafter be determined that the tax computed and paid was based on an erroneous assessment due to a clerical error which resulted in an overpayment of taxes by the taxpayer, and such error is corrected under the provisions hereof then the county commissioners may direct a refund in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, plus two percentage points, per annum, from the date of payment from tax moneys collected during the current year and approve a claim therefor. If all or any portion of the taxes on such property remain unpaid, the board of county commissioners shall cancel that portion of such unpaid taxes which were assessed on the basis of the error which is being corrected. In lieu of taking such a refund the taxpayer may, at the taxpayer's option, be allowed a credit on the current year's taxes in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968. and amendments thereto, from the date of payment for the previous year. In the event the error results in an understatement of value or taxes as a result of a mathematical miscomputation on the part of the county, the board of county commissioners of the

several counties are hereby authorized to correct such error and order an additional assessment or tax bill, or both, to be issued, except that, in no such case shall the taxpayer be assessed interest or penalties on any tax which may be assessed. If such error applies to property which has been sold or otherwise transferred subsequent to the time the error was made, no such additional assessment or tax bill shall be issued.

Sec. 5. On and after July 1, 2011, K.S.A. 79-2968 is hereby amended to read as follows: 79-2968. Except as otherwise specifically provided by law, whenever interest is charged under any law of this state upon any delinquent or unpaid taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, or whenever interest is allowed under any law of this state upon any overpayment of taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, the rate thereof shall be: (a) One and one-half percent per month for any period prior to January 1, 1995, 1% per month for the period commencing on January 1, 1995, and ending on December 31, 1997 and 1/12 of the annual rate prescribed in subsection (b) thereafter, if computed monthly; and (b) eighteen percent per annum for any period prior to January 1, 1995. 12% per annum for the period commencing on January 1, 1995, and ending on-December 31, 1997, and for any period thereafter, the underpayment rate per annum prescribed and determined under paragraph (2) of subsection (a) of section 6621, without regard to subsection (c) thereof, of the federal internal revenue code, as in effect on September 1, 1996, and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed hereunder, plus one percentage point, if computed annually. Beginning on January 1, 2012, the rate for property tax delinquencies or underpayments of \$10,000 or more shall be as provided for under this section or 10% per annum, whichever is greater.

In the event the interest rate prescribed under this section cannot be determined by reference to section 6621 of the federal internal revenue code, as in effect on September 1, 1996, the rate at which interest shall be collected on underpayments shall be the rate prescribed by K.S.A. 16-204, and amendments thereto, for interest on judgments for the applicable period.

On and after July 1, 2011, K.S.A. 2010 Supp. 79-3609 is hereby amended to read as follows: 79-3609. (a) Every person engaged in the business of selling tangible personal property at retail or furnishing services taxable in this state, shall keep records and books of all such sales, together with invoices, bills of lading, sales records, copies of bills of sale and other pertinent papers and documents. Such books and records and other papers and documents shall, at all times during business hours of the day, be available for and subject to inspection by the director, or the director's duly authorized agents and employees, for a period of three years from the last day of the calendar year or of the fiscal year of the retailer, whichever comes later, to which the records pertain. Such records shall be preserved during the entire period during which they are subject to inspection by the director, unless the director in writing previously authorizes their disposal. Any person selling tangible personal property or furnishing taxable services shall be prohibited from asserting that any sales are exempt from taxation unless the retailer has in the retailer's possession a properly executed exemption certificate provided by the consumer claiming the exemption, except as follows: (1) A retailer is relieved of liability for tax otherwise applicable if the retailer obtains a fully completed exemption certificate or captures the relevant data elements required by the director within 90 days subsequent to the date of the sale; or (2) if the retailer has not obtained an exemption certificate or all relevant data elements, the retailer, within 120 days subsequent to a request for substantiation by the director, either may obtain a fully completed exemption certificate from the purchaser, taken in good faith which meets the requirements specified in this subsection, or obtain other information establishing that the transaction was not subject to tax. Otherwise, the sales shall be deemed to be taxable sales under this act. The seller shall obtain an exemption certificate that claims an exemption that was authorized pursuant to Kansas law on the date of the transaction in the jurisdiction where the transaction is sourced pursuant to law, could be applicable to the item being purchased and is reasonable for the purchaser's type of business. If the seller obtains an exemption certificate or other information as described in this subsection, the seller is relieved of any liability for the tax on the transaction unless it is discovered through the audit process that the seller had knowledge or had reason to know at the time such information was provided that the information relating to the exemption claimed was materially false or the seller otherwise knowingly participated in activity intended to purposefully evade the tax that is properly due on the transaction, and it must be established that the seller had knowledge or had reason to know at the time the information was provided that the information was materially false.

- The amount of tax imposed by this act is to be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be begun begin after the expiration of such period. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be begunbegin at any time; within two years from the discovery of such fraud. No assessment shall be made for any period preceding the date of registration of the retailer by more than three years except in cases of fraud. For any refund or credit claim filed after June 15, 2009 July 1, 2011, no refund or credit shall be allowed by the director after one year three years from the due date of the return for the reporting period as provided by K.S.A. 79-3607, and amendments thereto, unless before the expiration of such period a claim therefor is filed by the taxpayer, and, except as otherwise provided in K.S.A. 2010 Supp. 79-3694, and amendments thereto, no suit or action to recover on any claim for refund shall be commenced, until after the expiration of six months from the date of filing such claim satisfying the requirements specified by K.S.A. 2010 Supp. 79-3693, and amendments thereto, therefor with the director. A refund claim shall not be deemed filed unless such claim is complete as required by K.S.A. 2010 Supp. 79-3693, and amendments thereto. For all mailed returns, including refund claims, each return or refund claim shall be presumed to have been filed with the department on the postmark date of such return or refund claim or if such date is illegible, the date three days prior to the date such return or refund claim is received.
- (c) Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the period of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In consideration of such agreement or agreements, interest due in excess of 48 months on any additional tax shall be waived.
- (d) Interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, shall be allowed on any overpayment of tax computed from the filing date of the return

claiming the refund, except that no interest shall be allowed on any such refund if the same is paid within 120 days after the filing date of the return claiming the refund or the date of payment, whichever is later, provided that such return or refund claim satisfies the requirements specified by K.S.A. 2010 Supp. 79-3693, and amendments thereto, at the time the return or refund claim is received.

- (e) Notwithstanding any other provision of this section or the provisions of the Kansas compensating tax act:
- (1) (A) Any claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act which is without dispute shall be allowed, but, with respect to any claim exceeding \$10,000, the refund associated therewith shall not be paid until after 510 days from the date such claim was filed and shall not include interest from such date. As used in this subparagraph, a claim for refund without dispute shall not include any claim the basis for which is a judicial or quasi-judicial interpretation of such subsection occurring after the effective date of this act.
- (B) Any refund of tax resulting from a final determination or adjudication with regard to any claim submitted or to be submitted for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act not described by subparagraph (A) shall, with respect to any refund exceeding \$50,000, be paid in equal annual installments over 10 years commencing with the year of such final determination or adjudication. Interest shall not accrue during the time period of such payment.
- (2) No claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the application of the provisions of subsection (n) of K.S.A. 79-3606, and amendments thereto, pursuant to its interpretation by the court of appeals of the state of Kansas in its opinion filed on August 13, 1999, in the case entitled In re appeal of Water District No. 1 of Johnson County shall be allowed for tax paid prior to the effective date of this act. The provisions of this subsection shall not be applicable to water district no. 1 of Johnson county.";

And by renumbering the remaining sections accordingly;

Also on page 17, after line 33, by inserting the following:

"Sec. 8. On and after July 1, 2011, K.S.A. 79-2968 and K.S.A. 2010 Supp. 79-1701a and 79-3609 are hereby repealed.";

On page 1, in the title, in line 1, by string all after "ACT"; by striking all in lines 2 and 3 and inserting "concerning taxation; relating to sales taxation, countywide retailers', sales tax, periods of limitation for certain refunds and credits; property taxation, delinquent or underpaid taxes and overpayment of taxes, clerical errors, rate of interest; amending K.S.A. 79-2968 and K.S.A. 2010 Supp. 12-187, 12-189, 12-192, 79-1701a and 79-3609 and repealing the existing sections.";

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

RICHARD CARLSON
MARVIN KLEEB
NILE DILLMORE
Conferees on part of House

PAT APPLE
JEFF KING
G. THOMAS HOLLAND II
Conferees on part of Senate

On motion of Rep. Kleeb, the conference committee report on **SB 10** was adopted. Call of the House was demanded.

On roll call, the vote was: Yeas 91; Nays 33; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Boman, Brown, Brunk, Collins, DeGraaf, Donohoe, Garber, Goodman, Gordon, Gregory, Grosserode, Hermanson, Hildabrand, Huebert, Kelley, Kiegerl, Kinzer, Knox, Landwehr, McLeland, Meigs, Montgomery, O'Brien, O'Hara, Patton, Rhoades, Rubin, Scapa, Smith, Suellentrop, Tyson.

Present but not voting: None. Absent or not voting: None.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rule was suspended for the purpose of considering **H. Sub. for SB 37**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House

Thomas C. Owens Jeff King David Haley Conferees on part of Senate On motion of Rep. Colloton, the conference committee report on **H. Sub. for SB 37** was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brown, the House concurred in Senate amendments to **Sub. HB 2135**, AN ACT concerning certain employees; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 44-703, 44-766 and 79-3234 and repealing the existing sections.

On roll call, the vote was: Yeas 89; Nays 35; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Montgomery, Pauls, Peterson, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: None.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2409, AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; providing for certain powers, duties and functions for the Kansas development finance authority and the department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section, by Committee on Appropriations.

HB 2410, AN ACT concerning Kansas racing and gaming commission; relating to meetings and compensation of members; amending K.S.A. 74-8803 and repealing the existing section, by Committee on Appropriations.

REPORTS OF STANDING COMMITTEES

Committee on Energy and Utilities recommends HR 6027 be adopted, and because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENGROSSED BILLS

HB 2104, HB 2314, HB 2392 reported correctly engrossed May 2, 2011. Also, **HB 2119, HB 2195, HB 2240** reported correctly re-engrossed May 3, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, May 4, 2011.

Journal of the House

FIFTY-NINTH DAY

 $\begin{array}{c} \text{Hall of the House of Representatives,} \\ \text{Topeka, KS, Wednesday, May 4, 2011, } 10:00 \text{ a.m.} \end{array}$

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 119 members present.

Reps. Donohoe, Schwab and Tietze were excused on verified illness.

Reps. Aurand and Hill were excused on excused absence by the Speaker.

Present later: Rep. Hill.

Prayer by Chaplain Brubaker:

Our Heavenly Father, the Scripture is full of paradoxes, many to which we can relate. In Proverbs we read that "one man gives freely, vet gains even more; whereas another withholds unduly, but comes to poverty." II Thessalonians tells us "if a man will not work, he shall not eat." Yet, in Matthew we read that when we feed, clothe and give water to those in need, we indeed do that for Christ. It is with these types of paradoxes that we struggle with our decisions, especially regarding the budget. Since these are Your words and admonitions, we desperately need You to show us where that fine line is so we can do right by all. For this wisdom I pray in Christ's Name, Amen. (Proverbs 11:24, II Thessalonians 2:10, Matthew 25:34-46)

The Pledge of Allegiance was led by Rep. Hoffman.

Kansas Trivia Question – Why was the town of Liberal given that name? Answer: It had nothing to do with politics. S.S. Rodgers, an early settler, had a well and was liberal in sharing water with strangers.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2411, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; investment standards; prohibited investments, Iran; divestment therefrom, conditions and procedures; indemnification and hold harmless provisions, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Appropriations: HB 2409, HB 2410.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report to agree to disagree on **H. Sub. for SB 37**, and has appointed Senators Owens, King and Haley as second conferees on the part of the Senate.

The Senate adopts conference committee report to agree to disagree on **H. Sub. for SB 55**, and has appointed Senators Owens, King and Haley as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2080** and has appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2267** and has appointed Senators Reitz, Apple and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of SB 216.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was introduced and read by title:

SB 216.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. D. Gatewood, **HR 6023**, A RESOLUTION congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School, was adopted.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. O'Neal, **HR 6028**, A RESOLUTION congratulating and commending Randy Hearrell, was adopted.

CONSENT CALENDAR

No objection was made to **HR 6027** appearing on the Consent Calendar for the frist day.

No objection was made to $HR\ 6024$, $HR\ 6025$ appearing on the Consent Calendar for the second day.

On motion of Rep. Siegfreid, the House recessed until 11:00 a.m..

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering SB 21; H. Sub. for Sub. SB 111; SB 143; Sub. SB 50.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: The committee on conference on House amendments to **SB 50** submits the following report:

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

On page 1, in line 13, by striking "(a)"; by striking all in line 15;

On page 3, in line 24, after "PSAP" by inserting "or have extensive prior 911 experience in Kansas":

On page 4, in line 8, by striking "be an administrator of a PSAP" and inserting "serve at the pleasure of the governor and have extensive prior 911 experience in Kansas"; in line 24, after "council." by inserting "The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council may, pursuant to rules and regulations, increase the duration of the contract with the LCPA to a maximum of three years.":

On page 6, following line 43, by inserting "(f) This section shall take effect on and after January 1, 2012.";

On page 7, following line 41, by inserting "(g) This section shall take effect on and after January 1, 2012.":

On page 8, in line 2, by striking "five" and inserting "two";

On page 9, in line 1, before "per" by inserting "\$.53"; by striking all in lines 39 and 40:

And by redesignating subsections accordingly;

On page 10, in line 2, by striking "1.1%" and inserting "1.06%";

On page 13, in line 34, after "fund." by inserting "No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repayed and the right of such PSAP to appeal to a hearing before the council. Any such PSAP may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) Any action of the council pursuant to subsection (b) is subject to review in

accordance with the Kansas judicial review act.

(d) As long as the PSAP is working in good faith to use the 911 fees for expenditures authorized by this act, no repayment of 911 fees shall be required prior to January 1, 2013.":

And by redesignating subsections accordingly;

On page 16, by striking all after line 12;

By striking all on pages 17 through 25 and inserting,

- "Sec. 23. On and after July 1, 2011, K.S.A. 2010 Supp. 45-221, as amended by section 192 of 2011 House Bill No. 2339, is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:
- (1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2010 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2010 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.
- (2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.
- (3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.
- (4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.
- (5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.
- (6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.
- (7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.
- (8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.
- (9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.
- (10 Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:
 - (A) Is in the public interest;

- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
 - (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
 - (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 65 through 77 or 229 through 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

- (11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.
- (12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.
- (13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.
- (14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.
- (15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.
- (16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:
 - (A) The information which the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing computer programs.
- $(\overline{17})$ Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.
- (18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private

person.

- (19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.
- (20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.
- (21) Records of a public agency having legislative powers, which re- cords pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
- (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (22) Records of a public agency having legislative powers, which re- cords pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
- (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (23) Library patron and circulation records which pertain to identifiable individuals.
- (24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.
 - (25) Records which represent and constitute the work product of an attorney.
- (26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.
- (27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.
 - (28) Sealed bids and related documents, until a bid is accepted or all bids rejected.
- (29) Correctional records pertaining to an identifiable inmate or release, except that:
- (A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate

transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

- (B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;
- (C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and
- (D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.
- (30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.
- (31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.
- (32) Engineering and architectural estimates made by or for any public agency relative to public improvements.
- (33) Financial information submitted by contractors in qualification statements to any public agency.
- (34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.
- (35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.
 - (36) Information which would reveal the precise location of an archeological site.
- (37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.
- (38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.
- (39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.
- (40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.
 - (41) All financial analysis ratios and examination synopses concerning insurance

companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

- (42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.
- (43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.
- (44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.
- (45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.
- (46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.
- (47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.
- (48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.
- (49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency

notifications or communications which are widely distributed to the public.

- (50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.
- (b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.
- (c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.
- (d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.
- (e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.
- (f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.
- (g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.
- Sec. 24. On and after July 1, 2011, K.S.A. 2010 Supp. 75-5133, as amended by section 276 of 2011 House Bill No. 2339, is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other

provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

- (b) The secretary of revenue or the secretary's designee may:
- (1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;
- (2) allow the inspection of returns by the attorney general or the attorney general's designee;
- (3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, and amendments thereto:
- (4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;
- (5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to insure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;
- (6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number:
- (7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6):
- (8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;
- (9) release or publish liquor brand registration information provided by suppliers, farm wineries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;
- (10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process

agent contact information;

- (11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;
- (12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;
- (13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;
- (14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-3606, and amendments thereto;
- (15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, or to any law enforcement officer, as defined in section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation; and
- (16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department-; and
- (17) provide information concerning remittance by sellers, as defined in section 2, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in section 2, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees.
- (c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).
- (d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.";

On page 26, in line 5, after "12-5338" by striking "," and inserting "and"; in line 6, after "12-5361" by striking ", 45-221 and 75-5133"; following line 6, by inserting,

"Sec. 27. From and after July 1, 2011, K.S.A. 2010 Supp. 45-221, as amended by section 192 of 2011 House Bill No. 2339 and 75-5133, as amended by section 276 of 2011 House Bill No. 2339 are hereby repealed.";

And by redesignating the remaining sections accordingly;

On page 1, in the title, in line 3, after "45-221" by inserting ", as amended by section 192 of 2011 House Bill No. 2339,"; also in line 3, after "75-5133" by inserting ", as

amended by section 276 of 2011 House Bill No. 2339";
And the committee on conference recommends the adoption of this report.

Carl Dean Holmes
Forrest J. Knox
Annie Kuether
Conferees on part of House

Pat Apple
Mike Petersen
Kelly Kultala
Conferees on part of Senate

On motion of Rep. C. Holmes, the conference committee report on **Sub. SB 50** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Aurand, Donohoe, Hill, Schwab, Tietze.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 143** submits the following report:

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

On page 6, following line 26, by inserting:

"Sec. 13. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an

annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

- (b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:
- (1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.
 - (2) To sue and be sued.
- (3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum
- (4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.
- (5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.
- (6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.
 - (7) To enter into contracts.
- (8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.
- To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any leasepurchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective. the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).
 - (10) To enter into lease agreements as lessor of any property, whether real,

personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

- (11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.
- (12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.
- (13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.
- (14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.
- (15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.
- (16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for academic or vocational education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.
- (17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in

advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

- Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection. such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.
- (d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district; or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, "service area" means <u>a_designated</u> geographic area of the state established pursuant to agreement of the presidents of the community

colleges and adopted in policy by the state board of regents.";

And by renumbering sections accordingly;

On page 7, following line 11, by inserting:

- "Sec. 15. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) If the amount of any appropriation for state entitlements <u>aid</u> is insufficient to pay in full the amount each community college is entitled <u>otherwise eligible</u> to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is entitled eligible to receive.
- (b) If any community college is paid more than the amount it is entitled eligible to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.
- (c) If any community college is paid less than the amount it is entitled eligible to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.
- Sec. 16. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No amount of a state entitlement funding shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.
- (b) (1) No amount of a state entitlement funding shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.
- (2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.
- Sec. 17. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state entitlement operating grant of a community college shall be based upon any eourse or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.
- Sec. 18. K.S.A. 71-614 is hereby amended to read as follows: 71-614. Any lawful transfer of money from the general fund of a community college to the vocational career technical education fund, adult education fund, adult supplementary education

fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for vocational career technical education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.";

And by renumbering sections accordingly;

On page 9, following line 19, by inserting:

- "Sec. 20. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:
 - (a) "Board of trustees" means the governing body of a community college.
- (b) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (c) "Chief administrative officer" means the president or one so appointed by the board of trustees.
- (a) (d) "Community college" means a public community college established under the provisions of this act. The official name of a community college shall be "the _____ community college" and the blank shall be filled with the name of the city or county.
 - (b) "State board" means the state board of regents.
- (e)_(e) "Community college district" means the taxing district of a community college.
 - (d) "Board of trustees" means the governing body of a community college.
- (e) "State plan" means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon-recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.
- (f) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (g) "Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.
 - (f) "State board" means the state board of regents.
- (h) (g) "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.
- (i) "Chief administrative officer" means the president or one so appointed by the board of trustees.
- Sec. 21. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be entitled to eligible for state aid during the continuance of any such period of withdrawal. Any action of the state board

of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.

- Sec. 22. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:
- The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board. After considering the petition, the state board may approve such attachment, if the advisory council has so recommended. If the advisory council has not so recommended. The state board shall so inform may seek the recommendation of the board of trustees of the community college involved and may request itsrecommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located. and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment community college district be approved?", and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.
- Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as set forth in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board shall so inform the board of trustees and in such case such attachment shall not be made. If the advisory council state board approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.
 - (c) No territory shall be attached to any community college district within 120 days

prior to the general election of members of the board of trustees.

- (d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.
- Sec. 23. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school technical college or the institute of technology at Washburn university, may make and enter into agreements providing for the transfer from the area vocational school or area vocational-technical school-technical college or the institute of technology to the community college of any approved career technical education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school-technical college or the institute of technology.
- (b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:
- (1) The state board of regents shall be notified of the agreement at the time the agreement is executed.
- (2) The agreement shall be effective only after approval by the state board of regents.
- (3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.
 - (4) The agreement shall be subject to change or termination by the legislature.
- (5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).
- (B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.
- Sec. 24. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:
- (a) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education

courses or career technical education courses which shall be equivalent to a credit hour.

- (a) (b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.
- (b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school."
- (c) "Area vocational-technical school" means any vocational education school-which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.

The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.

- (c) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.
- (d) "School district" means any school district organized under the laws of this state.
- (e) (d) "Community college" means any community college organized and operating under the laws of this state.
- (e) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated, and amendments thereto.
- (g) "School district" means any school district organized under the laws of this state.
 - (h) "School year" means the 12-month period ending on June 30.
 - (i) "State board" means the state board of regents.
- (g) (j) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.
 - (k) "State plan" means a document or set of documents, together with attachments

and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

- (h) (l) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.
 - (i) "State board" means the state board of regents.
 - (j) "School year" means the twelve-month period ending on June 30.
- (k) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D-Perkins career and technical education act of 2006.
- (+) (m) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.
- (m) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.
- (n) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general-education courses of instruction for which individuals may carn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework-leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.
- Sec. 25. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education provided for pursuant to the Carl D. Perkins career and technical education act of 2006 in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in

the state treasury.

- Sec. 26. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:
- (a) "Area vocational school," "area vocational-technical school," "Board," "state board," and "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto.
- (c) "School" means any area vocational school and any area vocational-technical school:
- (d) "Vocational (b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to a school an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of school buildings, architectural expenses incidental thereto, the acquisition of buildings for school purposes and school building sites and the acquisition of equipment.
- (c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn university.
- Sec. 27. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every area vocational-technical school eligible institution a fund which shall be called the "vocational career technical education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an area vocational-technical school eligible institution from distributions made under this act shall be credited to the vocational career technical education capital outlay fund.
- (b) Any moneys received, prior to or after the effective date of this act, by an area vocational-technical school eligible institution from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the vocational career technical education capital outlay fund and may be expended by the area vocational-technical school institution for any purpose for which vocational career technical education capital outlay aid may lawfully be expended.
- Sec. 28. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of vocational career technical education capital outlay aid for each sehool eligible institution shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as vocational career technical education capital outlay aid to each sehool eligible institution five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each sehool entitled to institution eligible for payment of vocational career technical education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state

board. Upon receipt of such warrant, the treasurer of each area vocational school shall deposit the amount thereof to the credit of the area vocational school fund. The treasurer of each area vocational-technical school eligible institution shall deposit the amount of such warrant to the credit of the vocational career technical education capital outlay fund established by this act.

In the event any sehool eligible institution is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the sehool institution of the amount of such overpayment, and such sehool institution shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such sehool institution fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such sehool institution. In the event any sehool institution is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the sehool academic year in which the underpayment was made or within 60 days after the end of such sehool academic year.

- Sec. 29. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:
- (a) "Career technical education program" means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.
- (b) "Career technical education institution" means any area vocational school, area vocational-technical school, technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.
- (c) "Area vocational school," "area vocational technical school," "Community college," "institute of technology," "municipal university," "state educational institution," "technical college," and "state board" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
- (e) "Program" means the Kansas training information program established by this act.
- Sec. 30. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every area vocational school or area vocational-technical school technical college and the institute of technology shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.
- (b) The following conditions shall apply to the agreements required under subsection (a):
- (1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and

- (2) the agreement shall be effective only after approval by the state board of regents.
- (c) The state board of regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the area vocational schools and area vocational technical schools technical colleges and the institute of technology are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.
- Sec. 31. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state board of regents shall adopt a policy requiring articulation agreements among area vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at area vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of students in technical programs to and among area vocational schools, area vocational-technical programs to and among area vocational schools, area vocational-technical schools, community colleges, the institute of technology and state educational institutions.
- Sec. 32. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:
- (a) "Area vocational school", "area vocational-technical school", and "Community college," "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Career technical education institution" means any area vocational school, area vocational-technical school or community college, technical college or the institute of technology.
 - (c) "Board" means the state board of regents.
 - (d) "Program" means Kansas technology innovation and internship program.
- Sec. 33. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) On or before July 1, 2005, All technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:
 - (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and

- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.
- (b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools. Any amendments to the plan shall be submitted to the state board of regents for approval.
- (2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.
- (c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:
- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
- (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions:
- (5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;
- (6) select a chairperson and such other officers as it deems desirable, from its membership;
 - (7) sue and be sued;
- (8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;
- (9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;
 - (10) enter into contracts;
 - (11) accept any gifts, grants or donations;
 - (12) acquire and dispose of real or personal property;
- (13) enter into lease agreements as lessor of any property owned or controlled by the college;
 - (14) adopt any rules and regulations, not inconsistent with any law or any rules and

regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

- (15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;
- (16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;
- (17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;
- (18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; and
- (19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; and
- (20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board.";

And by renumbering sections accordingly;

On page 10, following line 29, by inserting:

- "Sec. 35. K.S.A. 2010 Supp. 72-4481 is hereby amended to read as follows: 72-4481. (a) There is hereby established the postsecondary technical education authority. The authority shall be composed of 12 members appointed as follows:
- (1) Four members shall be appointed by the state board of regents. Of the members appointed by the state board of regents: Two shall be members of the state board of regents, or the designee thereof; one shall be a representative of the community colleges which provides technical education, or the designee thereof; and one shall be a representative of the technical colleges in the state, or the designee thereof:
- (2) three members shall be appointed by the governor. Of the members appointed by the governor: One shall represent Kansas business and industry; and two shall represent the general public;
- (3) one member shall be appointed by the president of the senate and shall be a representative of business and industry;
- (4) one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and
- (5) the commissioner of education, the secretary of commerce and the secretary of labor, or the designee thereof, who shall serve as ex officio members of the authority.
- (b) When making appointments of the representatives of Kansas business and industry and the general public, consideration shall be given to persons who are recognized for their knowledge or expertise and are representative of current and emerging technical career clusters of the state. No more than two members of the authority shall be representative of any one specific technical career cluster. Of the members appointed to represent Kansas business and industry and the general public, there shall be appointed at least one member from each congressional district.

Redistricting of congressional districts occurring subsequent to a member's appointment shall not disqualify any member of the authority from service. The state board of regents shall determine the technical career clusters of the state.

- (c) No more than five voting members of the authority shall be members of the same political party.
- (d) Any vacancy in the membership of the authority shall be filled by appointment in the same manner as provided for original appointment of the member.
- (e) The members of the authority shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the authority from among the first members appointed.
- (f) The authority may meet at any time and at any place within the state on the call of the chairperson. A quorum of the authority shall be five voting members. All actions of the authority shall be by motion adopted by a majority of those voting members present when there is a quorum.
- (g) Members of the authority attending meetings of the authority, or attending a subcommittee meeting thereof authorized by the authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.
- Sec. 36. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:
- (1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community junior college, the board of regents of any municipal university, the board of control of any area vocational-technical school the governing board of any technical college and the board of education of any school district.
- (2) "Student" means a person who has attained eighteen (18) 18 years of age, or is attending an institution of postsecondary education.
- (3) "Pupil" means a person who has not attained eighteen (18) 18 years of age and is attending an educational institution below the postsecondary level.
- (b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and his or her such pupil's family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. To the extent that any other provision of law conflicts with this section, this section shall control.";

And by renumbering sections accordingly;

On page 11, following line 38, by inserting:

"Sec. 38. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school governing board of every technical college and the governing body of every other

institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father parent or his such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission Kansas commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' eommission Kansas commission on veterans affairs shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 39. K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community iunior college, the board of regents of Washburn university of Topeka, the board of every area vocational school. the board of control of every area vocational-technical school governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed twelve (12) 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission on veterans affairs shall administer this act and the qualification of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

"Dependent" as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in said U. S. armed forces in the geographical area of the Vietnam conflict, has been declared to be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

Sec. 40. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) "Adult basic education program" and "adult supplementary education program"

- have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.
- (b) "Community college" means any community college established under the laws of this state.
- (c) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (e) "Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (f) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.
 - (g) "Public university" means any state educational institution.
- (h) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
- (a) (i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.
- (b)_(j) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.
- (e) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (d) "Community college" means any community college established under the laws of this state.
- (e) (k) "Technical college" means any technical college established under the laws of this state.
- (f) "Career technical education school" means any area vocational school or area vocational-technical school established under the laws of this state.
 - (g) "Public university" means any state educational institution.
- (h) "Postsecondary educational institution" means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (i) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
- (j) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.
- (k) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
 - Sec. 41. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-

- 32,146. As used in the Kansas national guard educational assistance act:
- (a) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.
- (b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.
- (c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
- Sec. 42. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.
- (b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.
- (c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, a technical college, community college, vocational school coordinated under the state board of regents the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.
- (d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.
- (e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.
- (f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate

- while in foster care. All loans shall be awarded to resident students attending area-vocational technical schools, technical colleges, community colleges, area vocational schools the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards
- (g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.
- Sec. 43. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:
- (1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (2) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.
- (1) (4) "Kansas educational institution" means and includes area vocational-schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.
- (5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.
- (6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.
- (2)(8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.
- (3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for

violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

- (4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire-department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company:
- (5) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (6) "Dependent" means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
 - (7) (11) "State board" means the state board of regents.
- (8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (9) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.
- (10) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (11) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
- (b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.
- (c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions

upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

- (d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.
- Sec. 44. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:
- (a) "Kansas educational institution" means and includes any area vocational school, area vocational-technical school, community college, the municipal university, state educational institution, the institute of technology at Washburn university or technical college.
- (b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and
 - (2) who enrolls in a Kansas educational institution on or after July 1, 2006.
- (c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
 - (e) "Secretary" means the secretary of social and rehabilitation services.
- Sec. 45. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in

accordance with this section.

- (b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.
- (2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.
- (c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.
- (d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.
- (e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.
- (f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be

credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution, or (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

- (2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.
- (3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.
- (g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.
- (h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.
- Sec. 46. K.S.A. 2010 Supp. 75-7201 is hereby amended to read as follows: 75-7201. As used in K.S.A. 2010 Supp. 75-7201 through 75-7212, and amendments thereto:
- (a) "Cumulative cost" means the total expenditures, from all sources, for any information technology project by one or more state agencies to meet project objectives from project start to project completion or the date and time the project is terminated if it is not completed.
- (b) "Executive agency" means any state agency in the executive branch of government.
- (c) (1) Except as provided in paragraph (2), "information technology project" means a project for a major computer, telecommunications or other information technology improvement with an estimated cumulative cost of \$250,000 or more and includes any such project that has proposed expenditures for: (1) (A) New or replacement equipment or software; (2) (B) upgrade improvements to existing equipment and any computer systems, programs or software upgrades therefor; or (3) (C) data or consulting or other professional services for such a project.
- (2) For state universities under the control of the Kansas state board of regents, "information technology project" means a project for a major computer,

telecommunications or other information technology improvement with an estimated cumulative cost of \$1,000,000 or more, including \$500,000 or more in costs to parties that are external to the university or board of regents, and includes:

- (A) Any project, other than infrastructure projects, that has proposed expenditures for new equipment or software; or
 - (B) data or consulting or other professional services for such a project.
- (3) For purposes of this subsection, for state universities under the control of the Kansas state board of regents, "infrastructure projects" means any of the following:
- (A) Any investment in telecommunications equipment, network equipment or computer support facilities associated with new building construction or major building rehabilitation;
- (B) any investment in telecommunications equipment, network equipment or computing equipment purchased primarily to replace comparable but outmoded equipment; or
- (C) any software, hardware or licensing upgrade to an existing fully operational system.
- (4) Notwithstanding any of the provisions of paragraphs (2) and (3), any "information technology project" for state universities under the control of the Kansas state board of regents that is funded by moneys expended from or otherwise transferred from the Kansas universal service fund shall be deemed an "information technology project" as that term is defined in paragraph (1).
- (5) Notwithstanding any of the provisions of paragraph (2), any project for a major computer, telecommunications or other information technology improvement that has proposed expenditures greater than \$250,000, but less than \$1,000,000 for: (A) Any project, other than infrastructure projects, that has proposed expenditures for new equipment or software; or (B) data or consulting or other professional services for such a project shall be implemented in compliance with the information technology architecture adopted by the information technology executive council pursuant to K.S.A. 2010 Supp. 75-7203, and amendments thereto. Each calendar quarter the state university shall file a high-level information technology project plan that includes a risk assessment and management plan with the chief information technology officer.
- (d) "Information technology project change or overrun" means any of the following:
- (1) Any change in planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above the currently authorized cost of such project by more than either \$1,000,000 or 10% of such currently authorized cost of such project, whichever is lower;
- (2) any change in the scope of an information technology project, as such scope was presented to and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto; or
- (3) any change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.
 - (e) "Joint committee" means the joint committee on information technology.
 - (f) "Judicial agency" means any state agency in the judicial branch of government.
 - (g) "Legislative agency" means any state agency in the legislative branch of

government.

- (h) "Project" means a planned series of events or activities that is intended to accomplish a specified outcome in a specified time period, under consistent management direction within a state agency or shared among two or more state agencies, and that has an identifiable budget for anticipated expenses.
- (i) "Project completion" means the date and time when the head of a state agency having primary responsibility for an information technology project certifies that the improvement being produced or altered under the project is ready for operational use.
- (j) "Project start" means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determines project feasibility or prepares an information technology project budget estimate under K.S.A. 2010 Supp. 75-7209, and amendments thereto.
- (k) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.
- Sec. 47. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:
 - (a) "Board" means the state board of regents.
- (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.
- (c) "Library" means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.
 - (d) "Network" means the KAN-ED network created pursuant to this act.
- (e) "School" means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, area vocational school, area vocational-technical school the institute of technology at Washburn university or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.
- Sec. 48. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:
- (a) "Board" means the state board of regents or the board of regents of a municipal university or the board of control of the Northwest Kansas area vocational-technical school governing board of the northwest Kansas technical college or the board of control of the North Central Kansas area vocational-technical school governing board of the north central Kansas technical college or the board of trustees of any community college.
- (b) "Institution" means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the Northwest Kansas area vocational-technical school, and the North Central Kansas area vocational-technical school-northwest Kansas technical college and the north central Kansas technical college.
- (c) "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-

campus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.

- (d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.
- (e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.
- (f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.
- Sec. 49. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768. (a) On and after July 1, 2006:
- (1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.
- (2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.
- (3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.
 - (b) As used in this section:
 - (1) "Person" means an employee of or a student enrolled at a postsecondary

educational institution.

- (2) "Postsecondary educational institution" means and includes area vocational-schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and private institutions of postsecondary education.
- Sec. 50. K.S.A. 2010 Supp. 76-769 is hereby amended to read as follows: 76-769. (a) As used in this section:
- (1) "State educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.
- (2) "Professional services" means professional services as defined in K.S.A. 75-37,131, and amendments thereto.
 - (3) "State board" means the state board of regents.
 - (4) (A) "Services" means any professional services or other contractual services.
- (B) "Services" does not mean architectural services, engineering services, construction, construction management or ancillary technical services.
- (5) "Municipality" means any political or taxing subdivision of the state and any agency or instrumentality of a political or taxing subdivision of the state.
 - (6) "Lease of real property" means:
- (A) Any agreement to lease real property: (1) Between a state educational institution and one or more of its affiliated corporations; (2) between a state educational institution and a municipality; (3) between a state educational institution and any other party for vacant space that is less than 10,000 square feet; or (4) between a state educational institution and any other party for a term not to exceed 24 months.
- (B) "Lease of real property" includes any agreement to lease real property from a state educational institution and any agreement to lease real property to a state educational institution.
- (C) (b) Any supplies, materials, equipment, goods, property, printing or services may be acquired by a state educational institution, and any lease of real property may be entered into by a state educational institution. Any such acquisition or lease shall be in accordance with policies adopted by the state board and shall not be subject to K.S.A. 75-1005, 75-3737a through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-37,134, and amendments thereto, or any rules and regulations or policies adopted thereunder. Nothing in this subsection shall be construed as prohibiting a state educational institution from using contracts established or services offered by the director of purchases.
- (b)_(c) The acquisition of any articles or products produced by inmates in the custody of the secretary of corrections that may be required by a state educational institution may be acquired in accordance with policies adopted by the state board. Any such acquisition shall not be subject to the provisions of the prison-made goods act of Kansas requiring any such acquisition to be made from the secretary of corrections as provided in K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules and regulations or policies adopted thereunder.";

And by renumbering sections accordingly;

Also on page 11, in line 39, after "71-601," by inserting "71-604, 71-609, 71-609a,"; also in line 39, after "71-613a," by inserting "71-614,"; also in line 39, after "71-620," by inserting "71-701, 71-802, 71-1201,"; also in line 39, after "71-1706," by inserting "72-4428, 72-4435, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468,";

On page 12, in line 1, by striking "and" where it appears the first time and inserting ", 72-6214,"; also in line 1, after "72-6503" by inserting ", 72-6803, 73-1218, 74-3229a and 76-6a13"; also in line 1, after "Supp." by inserting "71-201, 71-1507, 72-4412, 72-4415,"; also in line 1, by striking "and" where it appears the last time and inserting a comma; in line 2, after "4432" by inserting ", 72-4433, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7201, 75-7222, 76-768, 76-769 and 76-781";

On page 1, in the title, in line 1, by striking "technical"; also in line 1, after "education;" by inserting "relating to technical education;"; in line 2, after "act;" by inserting "relating to information technology projects;"; in line 3, after "71-601," by inserting "71-604, 71-609, 71-609a, 71-614,"; also in line 3, after "71-620," by inserting "71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454,"; also in line 3, by striking "and" where it appears the first time and inserting ", 72-6214,"; also in line 3, after "72-6503" by inserting ", 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7201, 75-7222, 76-768 and 76-769"; in line 4, by striking "and" and inserting a comma; in line 5, after "1706" by inserting ", 72-4428, 72-4435, 72-4468, 72-6803, 74-3229a"; also in line 5, by striking "and" where it appears the last time and inserting a comma; also in line 5, before the period by inserting ", 72-4433 and 76-781";

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

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House

JEAN KURTIS SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Huebert to adopt the conference committee report on **SB 143**, Rep. McLeland offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Aurand, Huebert and Ward as second conferees on the part of the House.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that committee report to SB 21 be adopted; also, on motion of Rep. Goodman to amend SB 21, Rep. Otto requested the question be divided. The question was divided.

On Part A, SB 21 be amended on page 7, following line 41, by inserting:

- "New Sec. 5. (a) The board of education of Fort Leavenworth, U.S.D. No. 207 may provide transportation for any pupil in grades 10 through 12 who resides on Fort Leavenworth military reservation, but who is enrolled in and attends high school in Leavenworth, U.S.D. No. 453.
- (b) Solely for the purpose of computation of transportation weighting, as provided by this section, any pupil provided transportation pursuant to this section shall be counted as regularly enrolled in and attending school in U.S.D. No. 207 on September 20 of the current school year.;

On page 1, in the title, in line 2, after "act;" by inserting "relating to transportation of pupils;";

On Part B of the motion of Rep. Goodman to amend **SB 21**, the motion did not prevail; and the bill be passed as amended.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recomended that committee report recommending a substitute bill to **H. Sub. for Sub. SB 111** be adopted; also, roll call was demanded on motion of Rep. Colloton to amend the bill on page 14, following line 12, by inserting the following:

"Sec. 14. K.S.A. 72-8804 is hereby amended to read as follows: 72-8804. Except as provided in subsection (b) of K.S.A. 72-8808, and amendments thereto, any moneys in the capital outlav fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes, including housing and boarding pupils enrolled in an area vocational school operated under the board of education, architectural expenses incidental thereto, the acquisition of building sites, the undertaking and maintenance of asbestos control projects, the acquisition of school buses, and the acquisition of other equipment. The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

Sec. 15. K.S.A. 72-8808 is hereby amended to read as follows: 72-8808. (a) Except as provided in subsection (b), whenever an initial resolution has been adopted under

- K.S.A. 72-8801, and amendments thereto, and such resolution specified a lesser mill rate than the statutorily prescribed mill rate or a lesser number of years than five, the board of education of the school district may adopt a second resolution under the same procedure as is provided in K.S.A. 72-8801, and amendments thereto, for the initial resolution and subject to the same conditions and for the same purposes as provided in K.S.A. 72-8801, and amendments thereto, and shall be authorized to make such additional tax levy as is specified in such second resolution for the remainder of the five years succeeding the adoption of the initial resolution. Any such second resolution shall be limited in amount as specified in K.S.A. 72-8801, and amendments thereto, less such amount as has been authorized in the initial resolution, and not to exceed the statutorily prescribed mill rate in any one year. In the event that any such resolution is so adopted and the tax levy therein specified is approved under the conditions specified in K.S.A. 72-8801, and amendments thereto, the amount of bonds which may be issued under K.S.A. 72-8805, and amendments thereto, may be increased accordingly.
- (b) Notwithstanding the provisions of K.S.A. 72-8801, and amendments thereto, during school year 2011-2012, any resolution adopted pursuant to subsection (a) may include, in addition to those purposes set forth in K.S.A. 72-8804, and amendments thereto, the payment of utility services and the acquisition of errors and omissions, property, fire, casualty and liability insurance as purposes for which the tax is being levied. Any such resolution shall be for a period not to exceed one year.
- Sec. 16. K.S.A. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).
- (b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:
- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
 - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage

assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

- (5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto, excluding any amount levied pursuant to subsection (b) of K.S.A. 72-8808, and amendments thereto;
- (6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.
- (c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2011, or June 30, 2012. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.
- (d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.
- (e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.":

And by renumbering sections accordingly;

On page 15, in line 10, by striking "and 72-8237" and inserting ", 72-8237, 72-8804 and 72-8808"; in line 12, before "72-9509" by inserting "72-8814,"

On page 1, in the title, in line 2, after "aid;" by inserting "relating to capital outlay;"; in line 3, by striking "and 72-8237" and inserting ", 72-8237, 72-8804 and 72-8808"; in line 5, before "72-9509" by inserting "72-8814,";

On roll call, the vote was: Yeas 74; Nays 44; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Bollier, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bethell, Billinger, Boman, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Grant, Henderson, Henry, Johnson, Kelly, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Ruiz, Scapa, Swanson, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Donohoe, Roth, Schwab, Sloan, Tietze. substitute bill be passed as amended.

The motion of Rep. Colloton prevailed, and H. Sub. for Sub. SB 111 be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources Budget** recommends **SB 191** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 191," as follows:

"HOUSE Substitute for SENATE BILL NO. 191

By Agriculture and Natural Resources Budget Committee

"AN ACT making and concerning appropriations for the fiscal year ending June 30, 2012, for Kansas department of agriculture; authorizing certain transfers, fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing."; and the substitute bill be passed.

(H. Sub. for SB 191 was thereupon introduced and read by title.)

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6029-

By Representatives Schwartz, Carlin and Mosier

A RESOLUTION congratulating and commending Kansas State University women's basketball program and head coach Deb Patterson.

WHEREAS, The Kansas State University women's basketball program and Coach Deb Patterson made their mark in the history of women's basketball this year. In their 43rd season as a program, the Kansas State women's basketball team earned their 800th win and Coach Patterson earned her 300th win at the school; and

WHEREAS, On February 19, 2011, the Kansas State University women's basketball program reached a rare milestone when it became the 13th program in NCAA women's basketball history and only the second in the Big 12 conference to record 800 wins following a thrilling 69-64 victory over the University of Nebraska at the Devaney Center; and

WHEREAS, On March 9, 2011, Kansas State University women's basketball team's victory over Iowa State in the quarterfinals of the Big 12 championship gave Deb Patterson her 300th career win as a head coach. Coach Patterson becomes the third coach in the Big 12 to card 300 wins at their current school. With a record of 300-174 at Kansas State University, Coach Patterson is the all-time winningest coach in the school's history; and

WHEREAS, The players of the 2010-2011 Kansas State University women's

basketball team are Brittany Chambers, Kelsey Hill, Chantay Caron, Taelor Karr, Brianna Kulas, Stephanie Wittman, Emma Ostermann, Julianne Chisholm, Mariah White, Shalin Spani, Alina Voronenko, Jalana Childs and Branshea Brown. The team is led by head coach Deb Patterson, associate head coach Kamie Ethridge, and assistant coaches Kelly Moylan and Shalee Lehning: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Kansas State University women's basketball program, team and head coach Deb Patterson for the success the team achieved during the 2010-2011 basketball season; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 10 enrolled copies of this resolution to Representative Schwartz.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Vickrey announced the referral of SB 216 to Committee on Health and Human Services

On motion of Rep. Siegfreid, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **SB 216** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 216," as follows:

"HOUSE Substitute for SENATE BILL NO. 216 By Committee on Health and Human Services

"AN ACT concerning crimes and punishments; relating to smoking; amending K.S.A. 2010 Supp. 21-4009 and 21-4010 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 216 was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2076 reported correctly engrossed May 3, 2011. Also, **Sub. HB 2135** reported correctly engrossed May 4, 2011. **HB 2044** reported correctly re-engrossed May 4, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6017, HR 6023 reported correctly enrolled and properly signed on May 4, 2011.

Journal of the House

SIXTIETH DAY

Hall of the House of Representatives, Topeka, KS, Thursday, May 5, 2011, 10:00 a.m.

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

The roll was called with 121 members present.

Rep. Kiegerl was excused on verified illness.

Reps. Carlin and K. Wolf were excused on excused absence by the Speaker.

Reps. C. Holmes and Grange were excused later in the day on excused on legislative business.

Rep. Sloan was excused later in the day on excused absence by the Speaker Present later: Rep. K. Wolf.

Prayer by Chaplain Brubaker:

Father, God,
On this National Day of Prayer
I am reminded of Your Word:
"if my people, who are called by my name
will humble themselves and pray
and seek my face and turn from their wicked ways,
then will I hear from heaven and will forgive their sin
and will heal their land."
Four things You instruct us to do:

things You instruct us to do:

Humble ourselves—

don't allow us to think more highly of ourselves than we ought just because we are in a place of power and leadership.

Pray-

in this humility, help us to come to You and present our petitions and concerns to You.

Seek-

help us to realize we cannot do this on our own abilities, we need to seek Your wisdom in these matters.

Turn—

we often want to do things and go our own way
when Your Word encourages us
to walk in Your way, Your truth and Your light.
These four things I ask and pray that You will grant us
in Your Son's Name, Amen.

(11 Chronicles 7:14)

The Pledge of Allegiance was led by Rep. Mosier.

Kansas Trivia Question – Four men played a game of poker to name this Mitchell County town after the winner. Messrs. Huchell, Ride and Ksinka lost. Who won? Answer: The post office in Cawker City is probably glad Mr. Cawker won.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Pensions and Benefits: HB 2411.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Human Rights Commission, Annual Report, Fiscal Year 2010.

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

MESSAGE FROM THE SENATE

Announcing passage of SB 247.

The Senate adopts conference committee report on SB 10.

The Senate adopts conference committee report on Sub. SB 50.

The Senate adopts conference committee report on SB 93.

The Senate adopts conference committee report on SB 124.

The Senate adopts conference committee report on SB 97.

The Senate accedes to the request of the House for a conference on SB 143 and has appointed Senators Schodorf, Vratil and Hensley as second conferees on the part of the Senate.

Announcing adoption of HCR 5024.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was introduced and read by title:

SB 247.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Davis, HR 6030, by Reps. Davis, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin,

Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, as follows, was introduced and adopted.

HOUSE RESOLUTION No. HR 6030—

A RESOLUTION in memory of former Representative Terry McLachlan.

WHEREAS, Terry McLachlan, of Wichita, died on March 18, 2011 at age 61 after fighting a valiant battle with cancer. A former Kansas legislator, he served in the House of Representatives from 2007-2008 as a representative of southwest Wichita; and

WHEREAS, Terry was born on September 12, 1949 and was a lifelong resident of Wichita. He attended high school at West High in Wichita. Terry graduated cum laude from Wichita State University in 1978 with a degree in Liberal Arts and a major in social work; and

WHEREAS, Terry also served four years in the United States Air Force and was a veteran with one year of service in Southeast Asia. He obtained the rank of E-5 before his honorable discharge in 1973; and

WHEREAS, Terry was active in his community. He was a youth coach, and he volunteered regularly with the Boy Scouts and the American Red Cross; and

WHEREAS, Terry first worked with Parallax as an Alcohol and Drug Rehabilitation Counselor and as an Intake Counselor. He also worked as Assistant Director for the Wichita Half-Way House for Adults. Terry later began a career at Boeing. While at Boeing, Terry worked in both the military and commercial divisions. He was chosen to serve as the Boeing Loaned Executive to the United Way of the Plains. This experience allowed Terry to work with many social agencies and businesses within the city of Wichita. Terry's time at Boeing spanned over 23 years before he retired in March of 2005; and

WHEREAS, Terry is survived by wife of 33 years, Linda; son Sean and daughter-inlaw Cher; daughter Amy Miranda and son-in-law John; brothers Jim and Don; and four grandchildren; and

WHEREAS, Terry was an outstanding person and community servant, whose smile never failed to brighten others' days. He was a constant, caring and compassionate force. It was an honor and privilege to have known and worked with such a great man: Now, therefore.

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Terry McLachlan, and we thank him for the years of public service he gave to his state, his community and his country; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the House Minority Leader's Office.

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

To anyone who knew Terry and Linda, it was obvious that they were a successful partnership. From the time when I first met them when Terry decided to run for the House, I knew they were in the race as a team. During his term they were in Topeka together and each made a difference. While Terry served his district, Linda was a volunteer tutor at a Topeka elementary school and made a life changing difference for

some at risk kindergarten pupils.

Terry seemed to be comfortable with women as equal participants in the human family. That is rare in a man. He seemed confident in his own abilities.

I will forever be indebted to both Terry and Linda for the work they did on my 2010 campaign. It was probably the winning difference.

I know of no words that have the power to make things better. We are all powerless in the face of death. But we are all better for knowing and serving with Terry McLachlan

Rep. Davis presented a framed House certificate to Linda McLachlan.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Schwartz, **HR 6029**, A RESOLUTION congratulating and commending Kansas State University women's basketball program and head coach Deb Patterson, was adopted.

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

Remarks of Rep. Schwartz:

Today, May 5, 2011, I have the honor of recognizing the accomplishments of the Kansas State University women's basketball program and head coach Deb Patterson. Joining me are Representative Carlin and Representative Mosier, Coach Deb Patterson and Jill Shields, Assistant head of the Athletic Academic Program.

The Kansas State university women's basketball program and Coach Deb Patterson made their mark in the history of women's basketball this year. In their 43rd season as a program, the Kansas State women's basketball team earned their 800th win and Coach Patterson earned her 300th win at KSU

On February 19, the KSU reached this rare milestone when it became the 13th program in NCAA basketball history and only the second in the BIG 12 conference to record 800 wins following a thrilling 69-64 victory over the University of Nebraska at the Devaney Center.

Living close to Nebraska and Big Red territory it was really special for me to see the win over Nebraska. I do not miss many of the girl's games so was glued to the TV that night to enjoy the win

The girl's then went on to win over Iowa State in the quarterfinals of the Big 12 championship giving Coach Deb Patterson her 300th career win as a head coach. With a record of 300-174 at KSU, Coach Patterson is the all-time winningest coach in the school's history.

I am especially proud of the KSU program. Many of the team members are and have been Kansas girls. Kansas grown and raised. Former team members Kendra Wecker and Nicole Ohlde actually are from my legislative district.

I would like for you to join me in congratulating Coach Patterson and the commend the team for the success the team achieved during the 2010-2011 basketball season.

Remarks of Rep. Mosier:

We congratulate Coach Deb Patterson on being the winningest women's basketball

coach in Kansas State State history!

And we thank her for her dedication and hard work in developing not only a great women's basketball team, but also in developing great women as well.

We congratulate these women on surpassing 800 wins this season.

CONSENT CALENDAR

No objection was made to **HR 6027** appearing on the Consent Calendar for the second day.

No objection was made to **HR 6024**, **HR 6025** appearing on the Consent Calendar for the third day. The resolutions were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6024, A RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Huebert, Kiegerl, Sloan, K. Wolf. The resolution was adopted.

HR 6025, A RESOLUTION urging the United States Congress to preserve the primacy of the Kansas Corporation Commission to regulate hydraulic fracturing in compliance with state regulations and not to enact any future legislation that would remove this primacy, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke,

Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Huebert, Kiegerl, Sloan, K. Wolf. The resolution was adopted.

SB 21, AN ACT concerning school districts; relating to school finance; enacting the Kansas uniform financial accounting and reporting act; relating to transportation of pupils; amending K.S.A. 2010 Supp. 72-1046b, 72-6441, 72-6449, 72-6451 and 72-8254 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Flaharty.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Huebert, Kiegerl, Sloan, K. Wolf. The bill passed, as amended.

H. Sub. for Sub. SB 111, AN ACT concerning school districts; relating to the use of moneys by school districts; relating to special education state aid; relating to capital outlay; amending K.S.A. 72-3607, 72-6420, 72-6423, 72-8237, 72-8804 and 72-8808 and K.S.A. 2010 Supp. 72-965, 72-978, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-8250, 72-8814, 72-9509 and 72-9609 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 33; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon,

Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Aurand, Ballard, Bethell, Burroughs, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Huebert, Kiegerl, Sloan, K. Wolf. The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: Yesterday a statement was made during the debate on **H. Sub. for Sub. SB 111**. It prompted me to make some calls to superintendents in my Southeast Kansas District.

I talked to the following districts: Arma, USD #246; Cherokee, USD #247; Girard, USD #248; Frontenac, USD #249; Pittsburg, USD #250; Fort Scott, USD #234; Uniontown, USD #235; Chanute, USD #413; and Pleasanton, USD #344. All of these superintendents told me they were against **H. Sub. for Sub. SB 111** and they felt "this was the camel's nose under the tent." Therefore, Mr. Speaker, I vote "NO" on **H. Sub. for Sub. SB 111**. – Bob Grant, Jerry Williams

Mr. Speaker: I vote NO on **H. Sub. for Sub. SB 111**. This bill has a dis-equalizing effect on school districts all across the state. Also, the bill creates an incentive for school districts to use funds for purposes for which they were not intended, in addition to creating a mechanism for school districts to raise fees paid by parents. This is nothing but a shell game that creates an illusion that the Legislature is trying to help K-12 schools while we slash their funding. – Paul Davis, Tom Burroughs, Jerry Henry, Stan Frownfelter, Janice L. Pauls, Bill Feuerborn, Annie Tietze, Ed Trimmer, Valdenia Winn, Eber Phelps, Judith Loganbill, Ann E. Mah, Barbara Ballard, Melanie Meier, Gail Finney, Melody McCray-Miller

On motion of Rep. Siegfreid, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37** 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 (Corrected), as follows:

On page 9, following line 28, by inserting the following:

"(A) Upon a first conviction, a severity level 6, person felony;"

And by redesignating subparagraphs accordingly;

Also on page 9, in line 30, by striking "first or";

On page 19, in line 1, following "offender," by inserting "including a violent offender or drug offender who is also a sex offender,"; in line 5, following "offender," by inserting "report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that,"; by striking all in lines 6 through 11; in line 12, by striking "incapacitated" and inserting "one of the four required reports may be conducted by certified letter"; also in line 12, following "sent" by inserting "by the registering law enforcement agency"; in line 14, following "respond" by inserting "by returning the letter"; also in line 14, by striking "with" and inserting "within 10 days, by certified mail, indicating"; in line 15, by striking "within 10 days";

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

PAT COLLOTON
MELODY McCray-Miller
Conferees on part of House

THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Colloton to adopt the conference committee report on **SB 37**, Rep. Patton offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

The substitute motion did not prevail

The question then reverted back to the original motion and the conference committee report was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward,

Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Kiegerl, Peterson, Sloan.

On motion of Rep. Siegfreid, the House recessed until 3:30 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering H. Sub. for SB 191; SB 193, SB 247; HB 2393.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on HB 2010.

The Senate nonconcurs in House amendments to SB 21, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **H. Sub. for Sub. SB 111**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 193** 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 8, by striking "deduction or";

On page 5, after line 20, by inserting the following:

- "Sec. 6. K.S.A. 2010 Supp. 19-1207 is hereby amended to read as follows: 19-1207. (a) The register of deeds also shall keep a well-bound book, in which shall be kept all maps and plats of cities, subdivisions or additions to the same within the county, together with the description, acknowledgment or other writing thereon. The register shall keep an index to such book of plats. Such index shall contain the name or names of the proprietor or proprietors of such cities, subdivisions or addition and the name of the cities, subdivisions or addition. No register of deeds shall be bound to perform any of the duties required to be performed by this act, for which a fee is allowed, unless such fee has been paid or tendered.
- (b) The register of deeds shall not record any plat, replat, plat of survey pursuant to the apartment ownership act, K.S.A. 58-3101 et seq., and amendments thereto, or plat of survey pursuant to the townhouse ownership act, K.S.A. 58-3701 et seq., and

amendments thereto, unless such document is accompanied by a receipt from the county treasurer for all real estate taxes and assessments on the land legally described in such document for any year past due and unpaid and: (1) Payment of at least the first half of all real estate taxes on such land if such document is presented for recording between December 20 and May 10 of the next year; or (2) payment of all such real estate taxes if such document is presented for recording on and after May 10 but before December 20 of the same year up to and including the tax year prior to the first tax year affected by the plat recording. If the amount of ad valorem tax to be levied by a taxing subdivision has not been certified to the county treasurer, the county treasurer shall calculate and collect an aggregate amount which shall be deposited with the county treasurer in the manner described in subsection (d).

- (c) The record of plats and indexes required by this section may be kept in the manner provided by K.S.A. 19-1204, and amendments thereto or as otherwise authorized by statute.
- (d) For the purposes of subsection (b), the aggregate amount collected shall include the amount of the assessment to be certified by the clerk and a sum equal to the product of the assessed value directly related to the county appraiser's latest certified valuation conducted pursuant to K.S.A. 79-1466, and amendments thereto, on the property multiplied by the current year's tax levy rate. After the tax roll has been certified to the county treasurer, the treasurer shall then allocate so much of the sum collected as will pay the taxes and assessments on the property. In the case in which the sum collected is in excess of the amount necessary for the payment of the taxes and assessments, the treasurer shall return the amount of excess to the depositing party. In the case in which the sum collected is insufficient to pay the taxes and assessments, the treasurer shall credit the sum so collected ratably to the funds for which such taxes and assessments were levied and notify the owner of record of the balance due and unpaid. The unpaid portion shall become due in full on or before December 20 and any amount still remaining due and unpaid after that date shall accrue interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto.
- Sec. 7. K.S.A. 2010 Supp. 58-3115 is hereby amended to read as follows: 58-3115. (a) The declaration, any amendment or amendments thereof, any instrument by which the provisions of this act may be waived, and every instrument affecting the property or any apartment or condominium unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.
- (b) In addition to records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of an apartment or condominium unit affected by such declaration, and the record of each conveyance of an apartment or condominium unit contains a reference to the declaration of the property of which it is a part.
- (c) There shall be recorded simultaneously with the declaration one or more plats of survey showing the legal description, the location and dimensions of the submitted land, any convertible lands within the submitted land and any additional land if the condominium is an expandable condominium. The plat of survey shall further show the location and dimensions of all existing condominium units and common areas and facility improvements of the submitted land. When converting all or any portion of any convertible land or adding additional land to an expandable condominium, the declarant

shall record amended plats of survey which shall show the location and dimensions of all existing condominium units and common area and facility improvements upon the convertible or additional land.

- (d) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes and assessments on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.
- Sec. 8. K.S.A. 2010 Supp. 58-3707 is hereby amended to read as follows: 58-3707. (a) There shall be recorded simultaneously with the declaration, at the office of the register of deeds, one or more plats of survey showing the legal description, the location and dimensions of the submitted land, the location and description of any land which may be added to the townhouse project if such right is set forth in the declaration, and the location and dimensions of each townhouse unit and all common area improvements.
- (b) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes and assessments on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.
- Sec. 9. K.S.A. 2010 Supp. 74-50,210 is hereby amended to read as follows: 74-50,210. (a) The provisions of K.S.A. 2010 Supp. 74-50,210 through 74-50,216 74-50,219, and amendments thereto, shall be known and may be cited as the promoting employment across Kansas act.
- (b) It shall be the intent of this act to foster economic development and the creation of new jobs and opportunities for the citizens of Kansas and to incentivize the location of business facilities, other operations and jobs in Kansas. The primary objective of this legislation is economic development for Kansas.
- Sec. 10. K.S.A. 2010 Supp. 74-50,211 is hereby amended to read as follows: 74-50,211. As used in this act, unless the context otherwise requires:
- (a) "Act" means the provisions of K.S.A. 2010 Supp. 74-50,210 through 74-50,216 74-50,219, and amendments thereto.
- (b) "County median wage" means the median wage paid to employees located in the county where the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.
 - (c) "Department" means the department of commerce.
- (d) "Expanding business" means the expansion of an existing business facility, office, department or other operation located in the state of Kansas and locating in Kansas the jobs directly related to such business facility, office, department or other operation.
- (e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.
- (f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.
 - (g) "NAICS" means the North American industry classification system.
- (h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as

reported by the department of labor in its annual report for the previous year.

- (i) "New business" means a facility, plant, division, office, department, production line, production shift or other business operations of a company that was not doing business in Kansas prior to the submission of an application for benefits under this act and that provides documentation of such to the satisfaction of the secretary.
- (j) "New employee" means a person newly employed by the qualified company in the qualified company's business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 2010 Supp. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered new employees.
- (k) "Non-metropolitan county" means any county that is not a metropolitan county.
- (l) (1) (A) "Qualified company" means any for-profit corporation, partnership or other entity making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and submits an application for benefits meeting requirements established by the secretary.
- (B) "Qualified company" also includes any not-for-profit corporation which locates within the state of Kansas a regional, national or international headquarters and which meets the requirements of subparagraph (A).
- (2) "Qualified company" shall not include any corporation, partnership or other entity: (A) Which is identified by any of the following NAICS code groups, sectors or subsectors:
 - (i) Industry group 7132 or 8131;
 - (ii) sectors 44, 45, 61, 92 or 221 (including water and sewer services); or
 - (iii) subsector 722:
- (B) which is a bioscience company, as defined in K.S.A. 2010 Supp. 74-99b33, and amendments thereto;
- (C) which is delinquent in the payment of any nonprotested taxes or any other amounts due to the federal government, the state of Kansas or any other political taxing subdivision; or
- (D) which has filed for or has publicly announced its intention to file for bankruptcy protection.
- (3) Notwithstanding any provision of this subsection, except for paragraphs (2) (B), (C) and (D), a company may be deemed a qualified company if such company's headquarters or administrative offices located in this state serve an international or multi-state territory and such company meets the requirements of K.S.A. 2010 Supp. 74-50.212, and amendments thereto.
- (m) "Retained job" means an existing job which will be lost without participation by the employer under the provisions of the promoting employment across Kansas act.
 - (n) "Secretary" means the secretary of the department of commerce.
- Sec. 11. K.S.A. 2010 Supp. 74-50,212 is hereby amended to read as follows: 74-50,212. (a) In order to qualify for benefits under this act a qualified company shall:

- (1) Relocate to Kansas an existing business facility, office, department or other operation doing business outside the state of Kansas and locate the jobs directly related to such relocated business facility, office, department or other operation in Kansas; of
- (2) locate a new business facility, office, department or other operation in Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas; or
- (3) expand a <u>an existing</u> business facility, office, department or other operation located in the state of Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas, except that no payroll withholding taxes shall be retained prior to January 1, 2012.

A qualified company may <u>utilize or</u> contract with an unrelated <u>a</u> third-party <u>employer</u> to perform services whereby the third-party <u>employer</u> serves as the legal employer of the new employees providing services to the qualified company and such services are performed in Kansas and the third-party <u>employer</u> and the new employees are subject to the Kansas state withholding and declaration of estimated tax act.

- (b) Any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that locates its business operation in a metropolitan county and will hire at least 10 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, or any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that locates its business operation in a non-metropolitan county and will hire at least five new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall: (1) Be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:
- (A) Five years if the median wage paid to the new employees is equal to at least 100% of the county median wage;
- (B) six years if the median wage paid to the new employees is equal to at least 110% of the county median wage:
- (C) seven years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or
- (2) be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to five years if the median wage paid to the new employees is equal to at least 100% of the NAICS code industry average wage.
- (c) Any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:
- (1) Seven years if the median wage paid to the new employees is equal to at least 100% of the county median wage;
- (2) eight years if the median wage paid to the new employees is equal to at least 110% of the county median wage;

- (3) nine years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or
- (4) ten years if the median wage paid to the new employees is equal to at least 140% of the county median wage.
- (d) In the event that a qualified company contracts with a third party as described in subsection (a), the third party shall remit payments equal to the amount of Kansas payroll withholding taxes the qualified company is eligible to retain under this section to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of K.S.A. 2010 Supp. 74-50,214, and amendments thereto.
- (e) Commencing January 1, 2013, and ending December 31, 2014, any company, which meets the criteria provided pursuant to the provisions of K.S.A. 2010 Supp. 74-50,211, and amendments thereto, that retains the employees of an existing business unit located in Kansas and enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such employees for a period of up to five years.
- (f) (1) Commencing January 1, 2013, and ending December 31, 2014, pursuant to the provisions of subsection (e), the secretary of commerce, in the secretary's sole determination, may provide the benefits of the promoting employment across Kansas act for situations where it is deemed necessary by the secretary that the state of Kansas provide incentives for a company or its operations currently located in Kansas to remain in Kansas so as to keep its retained jobs. The secretary shall establish and verify that a prospective company has competitive alternatives that it is seriously considering and that a company's relocation may be imminent. Furthermore, the secretary shall assess:
- (A) Whether the retention of the company or its operations is important to the economic vitality of the state:
 - (B) the area where such company or operations is located; or
- (C) whether the retention of the company or its operations is important to a particular industry in the state due to any number of factors including, but not limited to, the quantity, quality or wages of the retained jobs involved.
- (2) Effective January 1, 2013, and ending December 31, 2014, the secretary may use the promoting employment across Kansas act in conjunction with other economic development programs to develop a retention package.
- (g) The provisions of this act as in effect prior to the effective date of this act shall apply to employers who have entered into agreements with the secretary prior to July 1, 2011. The provisions of this act shall apply to employers who enter into agreements with the secretary on and after July 1, 2011.
- Sec. 12. K.S.A. 2010 Supp. 74-50,213 is hereby amended to read as follows: 74-50,213. (a) Any qualified company meeting the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include: (1) Evidence that the applicant is a qualified company; and (2) evidence that the applicant meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.
- (b) The secretary may either approve or disapprove the application. Any qualified company whose application is approved shall be eligible to receive benefits under this

act as of the date such qualified company enters into an agreement with the secretary in accordance with this section.

- (c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue: (1) That the qualified company is eligible to receive benefits under this act; (2) the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.
- (d) The agreement between the qualified company and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified company fail to comply with the terms and conditions set forth in the agreement, or fails to comply with the provisions set forth in this act, the secretary may terminate the agreement, and the qualified company shall not be entitled to any further benefits provided under this act and shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified company, or remitted to the qualified company by a third party, pursuant to this act as of the date the agreement is terminated.
- (e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.
- (f) A qualified company seeking benefits shall be allowed to participate in the IMPACT program pursuant to K.S.A. 74-50,102 et seq., and amendments thereto, but shall not be allowed to participate in any other program in which any portion of such qualified company's Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. A qualified company shall not be eligible to receive benefits under K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.
- (g) (1) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of all expanding businesses, as such term is defined in K.S.A. 2010 Supp. 74-50,211, and amendments thereto, under this act exceed \$4,800,000 in any the fiscal year commencing on or after July 1, 2011, and \$6,000,000 in any fiscal year commencing on or after July 1, 2012.
- (2) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of businesses under subsections (e) or (f) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, exceed \$1,200,000 in the fiscal year commencing on July 1, 2012, \$2,400,000 in the fiscal year commencing on July 1, 2013, and \$1,200,000 in the fiscal year commencing on July 1, 2014.
- (h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

- New Sec. 13. (a) For taxable years commencing after December 31, 2010, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to 95% of the resident individual's income tax liability under the provisions of the Kansas income tax act for Kansas source income received from a qualified company that is business income attributable to business activities conducted at the business facility, office, department or other operation relocated to Kansas when the taxpayer owns such qualified company and materially participates in such business activities conducted at such relocated business facility, office, department or other operation of such qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50.212, and amendments thereto. A taxpaver shall be treated as materially participating in such qualified company's business activities conducted at such business facility, office, department or other operation relocated to Kansas only if the taxpayer is involved in such business activities of such qualified company on a basis which is regular, continuous and substantial. A taxpayer may claim the credit authorized by this section during any tax year in which the qualified company owned by the taxpayer qualifies for benefits under provisions of K.S.A. 74-50,212, and amendments thereto.
- (b) Business income attributable to the business activities conducted at the business facility, office, department or other operation relocated to Kansas of a qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50,212, and amendments thereto, shall be determined by multiplying the business income of the company apportioned to this state by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. For purposes of this subsection, the property factor is a fraction, the numerator of which is the average value of the company's real and tangible personal property owned or rented and used during the tax period at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the average value of the company's real and tangible personal property owned or rented and used within this state during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the company for compensation at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the total compensation paid by the company in this state during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the relocated facility, office, department or other relocated operation in this state during the tax period, and the denominator of which is the total sales of the company in this state during the tax period.
- (c) The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the qualifications of the taxpayer for the credit claimed pursuant to this section.
- Sec. 14. K.S.A. 2010 Supp. 79-32,160a is hereby amended to read as follows: 70-32,160a. (a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount

determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32.154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpaver who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32.154, and amendments thereto. engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility; or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

- (b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79-article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:
- (1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus
- (2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.
- (c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan

county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

- (1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and
- (2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.
- (d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpaver's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.
- (e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit

allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79, article 11 of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 10th 16th taxable year succeeding the taxable year in which such credit initially was claimed and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto, and no carryforward shall be allowed for deduction in any succeeding taxable year unless the taxpayer certifies under oath that the taxpayer continues to meet the requirements of K.S.A. 74-50,131, and amendments thereto, and this act. In no event shall any credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2011, be revived under the provisions of this act.

- (f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto.
- (g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and aets-amendatory thereof and supplemental amendments thereto.
- Sec. 15. K.S.A. 2010 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act: (a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;
- (b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such

items of tangible personal property or service are used or proposed to be used in such business, or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

- (c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;
- (d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing. equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political

subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of

taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

- (f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;
- (g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;
- (h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;
- (i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;
- (j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;
- (k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;
- (l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto:
- (m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;
- (n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture,

processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services:

- (o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;
- (p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body;
- (q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;
- (r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer: and (2) "prosthetic device" means a replacement. corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;
- (s) except as provided in K.S.A. 2010 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district:
- (t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection

the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations; Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of

- (u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days:
- (v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose:
- (w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b Second through Sixth. As used in this paragraph, "severing" shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;
- (x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;
 - (v) all sales of materials and services used in the repairing, servicing, altering,

maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

- (z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto:
- (aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;
- (bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof:
- (cc) all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50.115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto;
- (dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;
- (ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas:
- (ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes"

and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

- (gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;
- (hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;
- (ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;
- (jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes:
- (kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;
- (B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and
- (C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.
 - (2) For purposes of this subsection:
- (A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging

- operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;
- (B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;
- (C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;
- (D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;
- (E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as

belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

- (F) "primary" or "primarily" mean more than 50% of the time.
- (3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:
- (A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;
- (B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility:
- (C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;
- (D) to guide, control or direct the movement of property undergoing manufacturing or processing;
- (E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;
- (F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;
- (G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;
- (H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;
- (I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;
- (J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;
- (K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;
- (L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or
- (M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.
- (4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing

business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

- (5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:
- (A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;
- (B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;
- (C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;
- (D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;
 - (E) furniture and other furnishings:
- (F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;
- (G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical:
 - (H) machinery and equipment used for general plant heating, cooling and lighting;
 - (I) motor vehicles that are registered for operation on public highways; or
- (J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.
- (6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.
- (7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

- (II) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health;
- (mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;
- (nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof:
- (00) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;
- (pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;
- (qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;
- (rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986:
- (ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;
- (tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;
- (uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;
- (vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:
- (1) The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;
- (2) the Kansas Alliance for the Mentally III, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;
- (3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and to education, research and support for them and their

families;

- (4) the American Diabetes Association Kansas Affiliate, Inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;
- (5) the American Lung Association of Kansas, Inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;
- (6) the Kansas chapters of the Alzheimer's Disease and Related Disorders Association, Inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;
- (7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease:
- (8) the National Kidney Foundation of Kansas and Western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;
- (9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;
- (10) the Cystic Fibrosis Foundation, Heart of America Chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;
- (11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;
- (12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;
- (13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;
- (14) the Dreams Work, Inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;
- (15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public:
- (16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;
- (17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

- (18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;
- (19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;
- (20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization:
- (21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;
- (22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;
- (23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and
- (24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;
- (ww) all sales of tangible personal property purchased by the Habitat for Humanity for the exclusive use of being incorporated within a housing project constructed by such organization;
- (xx) all sales of tangible personal property and services purchased by a nonprofit zoo which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping. reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or

the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

- (yy) all sales of tangible personal property and services purchased by a parentteacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;
- (zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;
- (aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or

the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee:

(bbb) all sales of food for human consumption by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the

director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas Academy of Science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 2005, but

prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee:

- (jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R._§ 101.36:
- (III) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psychosocial-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

- (nnn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities:
- (000) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;
- (ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such

homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing. maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued. TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials. shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county

law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued. charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials. shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments

thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seg., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued. such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials. shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities,

it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose:

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing,

equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee:

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the

provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto:

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers:

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such

organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment:

(eeee) all sales of tangible personal property or services purchased by or on behalf of All American Beef Battalion, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services; and

all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or mental retardation, or both, and all sales of any such property by or on behalf of sheltered living, inc. for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc. for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing. maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc. contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc. a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc. shall be liable for

tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(gggg) all sales of game birds for which the primary purpose is use in hunting."; By renumbering the remaining sections accordingly;

Also on page 5, in line 21, after "Supp." by inserting "19-1207, 58-3115, 58-3707, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 79-32,160a,"; in line 22, after "79-3221" by inserting "and 79-3606";

On page 1, in the title, in line 2, after "returns" by inserting "and credits"; in line 3, before "amending" by inserting: "recording of plats, payment of taxes and assessments; promoting employment across Kansas act, qualifications for benefits; high performance incentive program; sales tax exemptions;"; in line 4, after "Supp." by inserting "19-1207, 58-3115, 58-3707, 74-50,210, 74-50,211, 74-50,212, 74-50,213,"; also in line 4, after "79-3221" by inserting "and 79-3606";

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

RICHARD CARLSON
MARVIN KLEEB
NILE DILLMORE
Conferees on part of House

PAT APPLE
JEFF KING
G. THOMAS HOLLAND II
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **SB 193** was adopted. On roll call, the vote was: Yeas 107; Nays 10; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Davis, Finney, Flaharty, Frownfelter, S. Gatewood, Henderson, McCray-Miller, Tietze, Victors, Winn.

Present but not voting: None.

Absent or not voting: Carlin, Grange, C. Holmes, Kiegerl, Peterson, Ruiz, Sloan.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on SB 21.

Speaker pro tem Vickrey thereupon appointed Reps. Gordon, Aurand and Winn as conferees on the part of the House.

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for Sub. SB 111**.

Speaker pro tem Vickrey thereupon appointed Reps. Rhoades, Kelley and Feuerborn as conferees on the part of the House.

REPORT ON ENROLLED RESOLUTIONS

HR 6019 reported correctly enrolled and properly signed on May 5, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Friday, May 6, 2011.

Journal of the House

SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Friday, May 6, 2011, 10:00 a.m.

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

The roll was called with 118 members present.

Reps. Colloton, Grange, C. Holmes and Sloan were excused on legislative business. Reps. Henry and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

This prayer today is for Rep. Sean Gatewood, who asked for a poem, and I said I would:

Our Heavenly Father, Today is day eighty-five, and we are wondering if for five more days we will survive? Will we finish our business in time or go into extra sessions to determine how to spend the last dime? For many of us this is yet to be seen, because a rock and a hard place we find ourselves between. As we work through the appropriations, the importance of our responsibility we cannot shun. So, once again today the decisions we weigh, knowing we can't please everyone as we accomplish the work to be done. So for solutions we ask for Your wisdom. and a spirit of unity we gladly welcome. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Proehl.

Kansas Trivia Question – What is the only county in Kansas named after a woman? Answer: Barton County, named for Civil War nurse Clara Barton.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Committee of the Whole: SB 247.

CONSENT CALENDAR

No objection was made to **HR 6027** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6027, A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Grange, Henry, C. Holmes, Kelley, O'Hara, Peterson, Sloan.

The resolution was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2010**.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2010** submits the following report:

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

On page 1, by striking all in lines 8 through 35;

On page 2, by striking all in lines 1 through 14;

And by renumbering the sections accordingly;

On page 3, in line 43, following the semicolon, by inserting "and

(y) electronic solicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.";

On page 4, by striking all in lines 1 through 19; in line 20, by striking "59-29a04a and"; in line 21, before "are" by inserting "and 60-4104, as amended by section 223 of 2011 House Bill No. 2339";

On page 1, in the title, in line 1, by striking all following "procedure"; by striking all in lines 2 through 5 and inserting "; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section; also repealing K.S.A. 2010 Supp. 60-4104, as amended by section 223 of 2011 House Bill No. 2339 "

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

LANCE KINZER
JOE PATTON
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on ${\bf HB~2010}$ was adopted.

On roll call, the vote was: Yeas 111; Nays 5; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Hayzlett, Hedke, Henderson, Hermanson, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Dillmore, Goodman, Grosserode, Hildabrand.

Present but not voting: None.

Absent or not voting: Colloton, Grange, Henry, C. Holmes, Kelley, O'Hara, Peterson, Sloan.

On motion of Rep. Siegfreid, the House resolved into the Committee of the Whole, with Rep. Carlson in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **SB 247** be passed.

H. Sub. for Sub. SB 191 be passed over and retain a place on the calendar.

Committee report to **HB 2393** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 55; Nays 60; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Aurand, Bollier, Boman, Brown, Bruchman, Brunk, Carlson, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Goodman, Grosserode, Hayzlett, Hedke, Hildabrand, Hoffman, Howell, Huebert, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Shultz, Siegfreid, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Billinger, Bowers, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Davis, Dillmore, Fawcett, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Grant, Gregory, Henderson, Hermanson, Hill, Hineman, M. Holmes, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Patton, Pauls, Phelps, Pottorff, Prescott, Proehl, Ruiz, Schroeder, Seiwert, Slattery, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Collins, Colloton, Feuerborn, Grange, Henry, C. Holmes, Peterson, Rhoades, Sloan.

The motion to recommend **HB 2393** favorably for passage did not prevail.

REPORT OF STANDING COMMITTEE

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

Request No. 155, by Representative O'Brien, congratulating Warren Thomas Beck in recognition for graduating from West Point and being commissioned in the armor branch;

Request No. 156, by Representative O'Brien, congratulating John (Jack) Morrison Holt, III in recognition for graduating from West Point and being commissioned in the infantry;

Request No. 157, by Representative Mesa, congratulating Trisha Doty on winning the State 5th Grade Arbor Day Poster Contest;

Request No. 158, by Representative Bowers, congratulating Richard Stutsman for 14 years of service to Cloud County Sheriff Department from Cloud County Commissioner:

Request No. 159, by Representative Gonzales, congratulating Eileen Filbert on 22 years of dedicated service with Jefferson County Health Department, Home Health and Hospice:

Request No. 160, by Representative Mesa, congratulating Raymond Quint on his 90th birthday;

Request No. 161, by Representative Alford, congratulating Thelma Brown, formerly of Ulysses, Kansas, on her 90th birthday;

Request No. 162, by Representative Alford, congratulating Ruby Niles on celebrating her 100th birthday;

Request No. 163, by Representative Alford, congratulating Eula Pearl Thomas on celebrating her 100th birthday;

Request No. 164, by Representative Alford, congratulating Kenneth Warner on being inducted into the Kansas Teachers' Hall of Fame in Dodge City, Kansas;

Request No. 165, by Representatives Winn, Burroughs, Peterson, Frownfelter, Henderson, Ruiz and Wolfe Moore, congratulating Dr. Tom Burke, KCKCC, for his outstanding service, vision and commitment to higher education throughout the state of Kansas;

Request No. 166, by Representative Henderson, congratulating Tyler Christian Smith in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 167, by Representative Henderson, congratulating Alisha Marie Wallace in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 168, by Representative Henderson, congratulating Kanesha Shatara Davis in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 169, by Representative O'Brien, congratulating Samuel Robert Calvert in recognition of being a 2011 West Point graduate from Kansas;

Request No. 170, by Representative O'Brien, congratulating Lenora Alexandra Earley in recognition of being a 2011 West Point graduate from Kansas;

Request No. 171, by Representative O'Brien, congratulating Tony Joseph Sagastizado in recognition of being a 2011 West Point graduate from Kansas;

Request No. 172, by Representative O'Brien, congratulating David Daniel Snow in recognition of being a 2011 West Point graduate from Kansas;

Request No. 173, by Representative O'Brien, congratulating Andrew Anthony Williams in recognition of being a 2011 West Point graduate from Kansas;

Request No. 174, by Representative O'Brien, congratulating Kyle Raymond Cobb in recognition of being a 2011 West PSoint graduate form Kansas;

Request No. 175, by Representative Burroughs, congratulating The Shepherd's Center of Kansas City, Kansas in recognition of celebrating their 25th anniversary;

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

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

On motion of Rep. Siegfreid, the House adjourned until 1:00 p.m, Monday, May 9, 2011.

Journal of the House

SIXTY-SECOND DAY

Hall of the House of Representatives, Topeka, KS, Monday, May 9, 2011, 1:00 p.m.

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

The roll was called with 118 members present.

Reps. Carlin, Collins, Donohoe, Grange, Schwartz and Ward were excused on excused absence by the Speaker.

Present later: Reps. Carlin and Collins.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
First we want to thank you for the reprieve this past weekend;
no doubt our time with loved ones we would have liked to extend.
Time with our families and to honor our moms;
our stress and tension, it did calm.
But here we are, back to work today,
ready to discuss and debate the issues, I daresay.
Time is running short,
decisions need to be made that we all support.
So with that in mind,
I pray that all hearts You will align,
And at the end of today when all is said and done,
Your will and wisdom will have won.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Wolfe Moore.

Kansas Trivia Question – In what census did Kansas first reach the two million mark in population?

Answer: The 1960 census.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Reps. Aurand, Huebert and Ward as members of the conference committee on **H. Sub. for Sub. SB 111** to replace Reps. Rhoades, Kelley and Feuerborn.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 247, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 19-4804, 20-369, as amended by section 4 of chapter 101 of the 2010 Session Laws of Kansas, 22-2307, as amended by section 8 of chapter 101 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, 58-2011, as amended by section 23 of 2011 Senate Bill No. 112, 60-1620, as amended by section 44 of 2011 Senate Bill No. 24, 65-445, as amended by section 2 of 2011 House Bill No. 2035, 65-6703, as amended by section 4 of 2011 House Bill No. 2035 and 65-6721, as amended by section 8 of 2011 House Bill No. 2035 and K.S.A. 2009 Supp. 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-116a, as amended by section 1 of 2011 House Bill No. 2192, 8-259, 8-1020, 8-2118, 9-1703, as amended by section 1 of 2011 House Bill No. 2056, 12-1774, 12-17.149, 12-4117, 22-2410, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-3305, 22-3428, 22-3428a, 22-3437, 38-2258, 38-2373, 40-2,118, as amended by section 6 of 2011 House Bill No. 2030, 60-740, 60-3107, as amended by section 46 of 2011 Senate Bill No. 24, 65-530, 66-2304 and 75-52,127 and sections 52, 189, 194 and 266 of chapter 136 of the 2010 Session Laws of Kansas and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 81 of 2011 House Bill No. 2339 and section 36 of 2011 Senate Bill No. 24 and repealing the existing sections; also repealing K.S.A. 19-4804, as amended by section 108 of 2011 House Bill No. 2339, 20-369, as amended by section 109 of 2011 House Bill No. 2339, 22-2307, as amended by section 120 of 2011 House Bill No. 2339, 22-2908, as amended by section 121 of 2011 House Bill No. 2339, 58-2011, as amended by section 24 of 2011 Senate Bill No. 229, 60-1620, as amended by section 218 of 2011 House Bill No. 2339, 65-445, as amended by section 4 of 2011 House Bill No. 2218, 65-6703, as amended by section 247 of 2011 House Bill No. 2339, 65-6721, as amended by section 248 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 22-2909, as amended by section 122 of 2011 House Bill No. 2339 and K.S.A. 2010 Supp. 8-116a, as amended by section 85 of 2011 House Bill No. 2339, 8-259a, 8-1020a, 8-2118b, 9-1703, as amended by section 4 of 2011 Senate Bill No. 229, 12-1774c, 12-17,149a, 12-4117a, 21-4603d, as amended by section 1 of 2011 House Bill No. 2118, 22-2410, as amended by section 114 of 2011 House bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-3305a, 22-3428c, 22-3428d, 22-3437a, 38-2258a, 38-2373a, 40-2,118, as amended by section 177 of 2011 House Bill No. 2339, 60-740a, 60-1610, as amended by section 8 of 2011 Senate Bill No. 38, 60-1610, as amended by section 217 of 2011 House Bill No. 2339, 60-1629, as amended by section 219 of 2011 House Bill No. 2339, 60-3107, as amended by section 221 of 2011 House Bill No. 2339, 65-504a, 65-530a, 65-1626d, 66-2304, as amended by section 249 of 2011 House Bill No. 2339 and 75-52,127, as amended by section 281 of 2011 House Bill No. 2339 and section 52 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 21 of 2011 House Bill No. 2339, section 189 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 51 of 2011 House Bill No. 2339, section 194 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 54 of 2011

House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 266 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 72 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 House Bill No. 2038. , was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Carlin, Collins, Donohoe, Grange, Schwartz, Ward.

The bill passed.

On motion of Rep. Siegfreid, the House recessed until 3:00 p.m.

LATE AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 63** 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. 63, as follows:

On page 1, by striking all in lines 8 through 35;

By striking all on page 2;

On page 3, by striking all in lines 1 through 12; following line 12 by inserting:

"New Section 1. The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

(a) Disclosure made in a court or agency proceeding; scope of waiver. When the

disclosure is made in a court or agency proceeding and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in any proceeding only if:

- (1) The waiver is intentional;
- (2) the disclosed and undisclosed communications or information concern the same subject matter; and
 - (3) they ought in fairness be considered together.
- (b) *Inadvertent disclosure*. When made in a court or agency proceeding, the disclosure does not operate as a waiver in any proceeding if:
 - (1) The disclosure is inadvertent:
- (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and
- (3) the holder promptly took reasonable steps to rectify the error, including, if applicable, following subsection (b)(7)(B) of K.S.A. 60-226, and amendments thereto.
- (c) Disclosure made in a non-Kansas proceeding. When the disclosure is made in a non-Kansas proceeding and is not the subject of a court order concerning waiver, the disclosure does not operate as a waiver in a Kansas proceeding if the disclosure:
- (1) Would not be a waiver under this section if it had been made in a Kansas proceeding; or
 - (2) is not a waiver under the law of the jurisdiction where the disclosure occurred.
- (d) Controlling effect of a court order. A court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court, in which event the disclosure is also not a waiver in any other proceeding.
- (e) Controlling effect of a party agreement. An agreement on the effect of disclosure in a proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.
 - (f) *Definitions*. As used in this section:
- (1) "Attorney-client privilege" means the protection that applicable law provides for confidential attorney-client communications.
- (2) "Work-product protection" means the protection that applicable law provides for tangible material, or its intangible equivalent, prepared in anticipation of litigation or for trial.
- Sec. 2. K.S.A. 60-426 is hereby amended to read as follows: 60-426. (a) *General rule*. Subject to K.S.A. 60-437, and amendments thereto, and except as otherwise provided by subsection (b), of this section communications found by the judge to have been between lawyer an attorney and his or her such attorney's client in the course of that relationship and in professional confidence, are privileged, and a client has a privilege. (1) If he or she such client is the witness, to refuse to disclose any such communication, and. (2) to prevent his or her lawyer such client's attorney from disclosing it; and (3) to prevent any other witness from disclosing such communication if it came to the knowledge of such witness (i) in the course of its transmittal between the client and the lawyer attorney, or (ii) in a manner not reasonably to be anticipated by the client; or (iii) as a result of a breach of the lawyer-client attorney-client relationship. The privilege may be claimed by the client in person or by his or her lawyer such client's attorney, or if an incapacitated person, by either his or her such person's guardian or conservator, or if deceased, by his or her such person's personal representative.

- (b) Exceptions. Such privileges shall not extend to a communication: (1) to a communication. If the judge finds that sufficient evidence, aside from the communication, has been introduced to warrant a finding that the legal service was sought or obtained in order to enable or aid the commission or planning of a crime or a tort, or; (2) to a communication relevant to an issue between parties all of whom claim through the client, regardless of whether the respective claims are by testate or intestate succession or by inter vivos transaction, or; (3) to a communication relevant to an issue of breach of duty by the lawyer attorney to his or her such attorney's client, or by the client to his or her lawyer, or such client's attorney; (4) to a communication relevant to an issue concerning an attested document of which the lawyer attorney is an attesting witness; or (5) to a communication relevant to a matter of common interest between two or more clients if made by any of them to a lawyer an attorney whom they have retained in common when offered in an action between any of such clients.
 - (c) Definitions. As used in this section:
- (1) "Client" means a person or corporation or other association that, directly or through an authorized representative, consults a lawyeran attorney or lawyer's attorney's representative for the purpose of retaining the lawyer attorney or securing legal service or advice from the lawyer attorney in his or her a professional capacity; and includes an incapacitated person who, or whose guardian on behalf of the incapacitated person, so consults the lawyer attorney or the lawyer's attorney's representative in behalf of the incapacitated person;
- (2) "Communication" includes advice given by the lawyer attorney in the course of representing the client and includes disclosures of the client to a representative, associate or employee of the lawyer attorney incidental to the professional relationship;
- (3) "lawyerAttorney" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation the law of which recognizes a privilege against disclosure of confidential communications between client and lawyer attorney.
- Section 3. K.S.A. 60-2601 is hereby amended to read as follows: 60-2601. (a) *General powers and duties*. In the performance of their duties all clerks of record shall be under the direction of the court.
- (b) *Dockets*. Subject to the provisions of K.S.A. 60-2601a, and amendments thereto, the clerk of the court shall keep the following dockets or other records which may be ordered by the court in the following manner:
- (1) Appearance docket. The clerk shall keep one or more appearance dockets and enter each civil action in the docket. Actions within each appearance docket shall be assigned consecutive file numbers. The file number of each action shall be noted on the docket on which the first entry of the action is made. All papers filed with the clerk, all process issued and returns made and, all appearances, orders, verdicts and judgments shall be noted chronologically on the appearance docket. These notations shall be brief but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process.
- (2) General index. The general index shall be kept in a form in which names are arranged in alphabetical order. Plaintiffs, petitioners, defendants and respondents shall be listed as well as the case file number.
- (c) Issuance of writs and orders. All writs and orders for provisional remedies shall be issued by the clerks of the several courts, upon praecipes filed with the clerk,

demanding the writs and orders.

- (d) Filing and preservation of papers. Except as otherwise provided by law, it is the duty of the clerk of each of the courts to file together and carefully preserve in the office of the clerk all papers delivered to the clerk for that purpose, in every action or special proceeding. The clerk shall keep the papers separate in each case, carefully enveloped in a wrapper or folder labeled with the title of the cause. Orders and journal entries requiring the signature of the judge shall have the date and time of day stamped on them by the clerk immediately upon receipt of the signed order or journal entry and the clerk or deputy shall initial the stamp. The clerk shall stamp on all other filed-papers, the date and time of day of receiving them and initial the stamp. The date and time of receipt of filings received by the clerk shall be recorded.
- Sec. 4. K.S.A. 60-2601a is hereby amended to read as follows: 60-2601a. In any county which has a computer information storage and retrieval system for the use of the clerk of the district court of such county, the records and information required to be maintained in the dockets and journals under the provisions of subsections subsection (b)(1), (2), (3), and (4) of K.S.A. 60-2601, and amendments thereto, may, upon order of the ehief judge of such supreme court, be maintained in such computer information storage and retrieval system. The clerk of the district court of such county shall be charged with the responsibility of making such records and information maintained in such computer information storage and retrieval system accessible to the public during normal working hours.
- Sec. 5. K.S.A. 2010 Supp. 60-3003 is hereby amended to read as follows: 60-3003. (a) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer attorney shall make and file with the clerk of the district court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.
- (b) Promptly upon the filing of the foreign judgment and the affidavit, the judgment creditor or the judgment creditor's lawyer attorney shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer attorney, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the clerk of the district court and may file proof of mailing with the clerk of the district court.
- Sec. 6. K.S.A. 2010 Supp. 60-4107 is hereby amended to read as follows: 60-4107. (a) Property may be seized for forfeiture by a law enforcement officer upon process issued by the district court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for the property's forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The court may order that the property be seized on such terms and conditions as are reasonable in the discretion of the court. The order may be made on or in connection with a search warrant. All real property is to be seized constructively or pursuant to a preseizure adversarial judicial determination of probable cause, except that this determination may be done ex parte when the attorney for the state has demonstrated exigent circumstances to the court.
- (b) Property may be seized for forfeiture by a law enforcement officer without process on probable cause to believe the property is subject to forfeiture under this act.
 - (c) Property may be seized constructively by:

- (1) Posting notice of seizure for forfeiture or notice of pending forfeiture on the property.
 - (2) Giving notice pursuant to K.S.A. 60-4109, and amendments thereto.
- (3) Filing or recording in the public records relating to that type of property notice of seizure for forfeiture, notice of pending forfeiture, a forfeiture lien or a *lis pendens*. Filings or recordings made pursuant to this act are not subject to a filing fee or other charge, except that court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action.
- (d) The seizing agency shall make reasonable effort to provide notice of the seizure to the person from whose possession or control the property was seized and any interest holder of record within 30 days of seizing the property. If no person is in possession or control, the seizing agency may attach the notice to the property or to the place of the property's seizure or may make a reasonable effort to deliver the notice to the owner of the property. The notice shall contain a general description of the property seized, the date and place of seizure, the name of the seizing agency and the address and telephone number of the seizing officer or other person or agency from whom information about the seizure may be obtained.
- (e) A person who acts in good faith and in a reasonable manner to comply with an order of the court or a request of a law enforcement officer is not liable to any person on account of acts done in reasonable compliance with the order or request. No liability may attach from the fact that a person declines a law enforcement officer's request to deliver property.
- (f) A possessory lien of a person from whose possession property is seized is not affected by the seizure.
- (g) When property is seized for forfeiture under this act, the seizing agency shall, within 45 days of such seizure, forward to the county or district attorney in whose jurisdiction the seizure occurred, a written request for forfeiture which shall include a statement of facts and circumstances of the seizure, the estimated value of the property, the owner and lienholder of the property, the amount of any lien, and a summary of the facts relied on for forfeiture.
- (h) Upon receipt of a written request for forfeiture from a local law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such county or district attorney decline such request, or fail to answer, the seizing agency may:
- (1) Request a state law enforcement agency which enforces this act to adopt the forfeiture; or
- (2) engage an attorney, approved by the county or district attorney, to represent the agency in the forfeiture proceeding.
- (i) Upon receipt of a written request for forfeiture from a state law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such county or district attorney decline such request, or fail to answer, the seizing agency may engage an assistant attorney general or other attorney approved by the attorney general's office to represent the agency in the forfeiture proceeding.
- (j) Nothing in this act shall prevent the attorney general, an employee of the attorney general or an authorized representative of the attorney general from conducting forfeiture proceedings under this act.

- (k) Nothing in this act shall prevent a seizing agency from requesting federal adoption of a seizure. It shall not be necessary to obtain any order pursuant to K.S.A. 22-2512, and amendments thereto, to release any seized property to a federal agency should the county or district attorney approve of such transfer.
- (l) Nothing in this act shall prevent a seizing agency, or the plaintiff's attorney on behalf of the seizing agency, from settling any alleged forfeiture claim against property before or during forfeiture proceedings. Such settlement shall be in writing and shall be approved, if a local agency, by the county or district attorney or, if a state agency, by the attorney general's office and a district court judge. No hearing or other proceeding shall be necessary. The records of settlements occurring prior to commencement of judicial forfeiture proceedings in the district court shall be retained by the county or district attorney for not less than five years.
- (m) Settlements under this act shall not be conditioned upon any disposition of criminal charges.
- Sec. 7. K.S.A. 2010 Supp. 60-4109 is hereby amended to read as follows: 60-4109. (a) Forfeiture proceedings shall be commenced by filing a notice of pending forfeiture or a judicial forfeiture action:
- (1) If the plaintiff's attorney fails to initiate forfeiture proceedings by notice of pending forfeiture within 90 days against property seized for forfeiture or if the seizing agency fails to pursue forfeiture of the property upon which a proper claim has been timely filed by filing a judicial forfeiture proceeding within 90 days after notice of pending forfeiture, the property shall be released on the request of an owner or interest holder to such owner's or interest holder's custody, as custodian for the court, pending further proceedings pursuant to this act. Such custodianship shall not exceed 90 days following the release to the owner or interest holder unless an extension is authorized by the court for good cause shown.
- (2) If, after notice of pending forfeiture, a claimant files a petition for recognition of exemption pursuant to K.S.A. 60-4110, and amendments thereto, the plaintiff's attorney may delay filing the judicial forfeiture proceeding for a total of 180 days after the notice of pending forfeiture except that if an interest holder timely files a proper petition documenting the complete nature and extent of such holder's interest, including all of the contractual terms and current status, the plaintiff's attorney may delay filing a judicial forfeiture proceeding only if such attorney provides each such petitioner with a written recognition of exemption within 60 days after the effective date of the notice of pending forfeiture, recognizing the interest of such petitioner to the extent of documented outstanding principal plus interest at the contract rate until paid and any attorney fees ordered by a court pursuant to such contract.
- (3) Whenever notice of pending forfeiture or service of an in rem complaint or notice of a recognition of exemption and statement of nonexempt interests is required under this act, notice or service shall be given in accordance with one of the following:
- (A) If the owner's or interest holder's name and current address are known, by either personal service by any person qualified to serve process or by any law enforcement officer or by mailing a copy of the notice by certified mail, return receipt requested, to the known address;
- (B) if the owner's or interest holder's name and address are required by law to be on record with a municipal, county, state or federal agency to perfect an interest in the property, and the owner's or interest holder's current address is not known, by mailing a

copy of the notice by certified mail, return receipt requested, to any address of record with any of the described agencies; or

- (C) if the owner's or interest holder's address is not known and is not on record as provided in paragraph (B), or the owner's or interest holder's interest is not known, by publication in one issue of the official county newspaper, as defined by K.S.A. 64-101, and amendments thereto, in the county in which the seizure occurred.
- (4) Notice is effective upon personal service, publication or the mailing of a written notice, whichever is earlier, except that notice of pending forfeiture of real property is not effective until it is recorded. Notice of pending forfeiture shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged and a summary of procedures and procedural rights applicable to the forfeiture action.
- (b) The plaintiff's attorney, without a filing fee, may file a lien for the forfeiture of property upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under this act or upon seizure for forfeiture. Court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action. A plaintiff's attorney may also file a forfeiture lien in this state in connection with a proceeding or seizure for forfeiture in any other state under a state or federal statute substantially similar to the relevant provisions of this act. The filing constitutes notice to any person claiming an interest in the seized property or in property owned by the named person.
 - (1) The lien notice shall set forth the following:
- (A) The name of the person and, in the discretion of the lienor, any alias, or the name of any corporation, partnership, trust or other entity, including nominees, that are owned entirely or in part or controlled by the person; and
- (B) the description of the seized property, the criminal or civil proceeding that has been brought relating to conduct giving rise to forfeiture under this act, the amount claimed by the lienor, the name of the district court where the proceeding or action has been brought, and the case number of the proceeding or action if known at the time of filing.
- (2) A lien filed pursuant to this subsection applies to the described seized property or to one named person, any aliases, fictitious names, or other names, including the names of any corporation, partnership, trust, or other entity, owned entirely or in part, or controlled by the named person, and any interest in real property owned or controlled by the named person. A separate forfeiture lien shall be filed for each named person.
- (3) The notice of lien creates, upon filing, a lien in favor of the lienor as it relates to the seized property or the named person or related entities. The lien secures the amount of potential liability for civil judgment, and if applicable, the fair market value of seized property relating to all proceedings under this act enforcing the lien. The notice of forfeiture lien referred to in this subsection shall be filed in accordance with the provisions of the laws of this state relating to the type of property that is subject to the lien. The validity and priority of the forfeiture lien shall be determined in accordance with applicable law pertaining to liens. The lienor may amend or release, in whole or in part, a lien filed under this subsection at any time by filing, without a filing fee, an amended lien in accordance with this subsection which identifies the lien amended. The lienor, as soon as practical after filing the lien, shall furnish to any person

named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection shall not invalidate or otherwise affect the lien.

- (4) Upon entry of judgment in the seizing agency's favor, the seizing agency may proceed to execute on the lien as provided by law.
- (5) A trustee, constructive or otherwise, who has notice that a notice of forfeiture lien, or a notice of pending forfeiture, or a civil forfeiture proceeding has been filed against the property or against any person or entity for whom the person holds title or appears as record owner, shall furnish within 14 days, to the seizing agency or the plaintiff's attorney all of the following information, unless all of the information is of record in the public records giving notice of liens on that type of property:
 - (A) The name and address of each person or entity for whom the property is held;
- (B) the description of all other property whose legal title is held for the benefit of the named person; and
- (C) a copy of the applicable trust agreement or other instrument, if any, under which the trustee or other person holds legal title or appears as record owner of the property.
- (6) A trustee with notice who knowingly fails to comply with the provisions of this subsection shall be guilty of a class B nonperson misdemeanor.
- (7) A trustee with notice who fails to comply with paragraph (5) is subject to a civil penalty of \$100 for each day of noncompliance. The court shall enter judgment ordering payment of \$100 for each day of noncompliance from the effective date of the notice until the required information is furnished or the seizing agency executes the seizing agency's judgment lien under this section.
- (8) To the extent permitted by the constitutions of the United States and the state of Kansas, the duty to comply with paragraph (5) shall not be excused by any privilege or provision of law of this state or any other state or country which authorizes or directs that testimony or records required to be furnished pursuant to paragraph (5) are privileged, confidential and otherwise may not be disclosed.
- (9) A trustee who furnishes information pursuant to paragraph (5) is immune from civil liability for the release of the information.
- (10) An employee of the seizing agency or the plaintiff's attorney who releases the information obtained pursuant to paragraph (5), except in the proper discharge of official duties, is guilty of a class B nonperson misdemeanor.
- (11) If any information furnished pursuant to paragraph (5) is offered in evidence, the court may seal that portion of the record or may order that the information be disclosed in a designated way.
- (12) A judgment or an order of payment entered pursuant to this section becomes a judgment lien against the property alleged to be subject to forfeiture.
- Sec. 8. K.S.A. 60-426, 60-2601 and 60-2601a and K.S.A. 2010 Supp. 60-3003, 60-4107 and 60-4109 are hereby repealed.";

By renumbering the remaining section;

On page 1, in the title, by striking all in lines 1 through 5 and inserting: "AN ACT concerning civil procedure; relating to electronic filing; relating to forfeiture; amending K.S.A. 60-426, 60-2601 and 60-2601a and K.S.A. 2010 Supp. 60-3003, 60-4107 and 60-4109 and repealing the existing sections.";

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

PAT COLLOTON
LANCE KINZER
MELODY McCRAY-MILLER
Conferees on part of House
THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **H. Sub for SB 63** was adopted.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: Donohoe, Grange, Schwartz, Ward.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 143** submits the following report:

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

On page 6, following line 26, by inserting:

"Sec. 13. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

- (b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:
- (1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.
 - (2) To sue and be sued.
- (3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.
- (4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.
- (5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.
- (6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.
 - (7) To enter into contracts.
- (8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.
- (9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any leasepurchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective. the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).
- (10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such

restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

- (11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.
- (12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.
- (13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.
- (14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.
- (15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.
- (16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for academic or vocational education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.
- (17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund

is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

- (c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.
- (d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district, or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, "service area" means <u>a_designated</u> geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.";

And by renumbering sections accordingly;

On page 7, following line 11, by inserting:

- "Sec. 15. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) If the amount of any appropriation for state entitlements <u>aid</u> is insufficient to pay in full the amount each community college is entitled <u>otherwise eligible</u> to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is entitled eligible to receive.
- (b) If any community college is paid more than the amount it is entitled eligible to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.
- (c) If any community college is paid less than the amount it is entitled eligible to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.
- Sec. 16. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No amount of a state entitlement <u>funding</u> shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.
- (b) (1) No amount of a state entitlement funding shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.
- (2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.
- Sec. 17. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state entitlement operating grant of a community college shall be based upon any course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.
- Sec. 18. K.S.A. 71-614 is hereby amended to read as follows: 71-614. Any lawful transfer of money from the general fund of a community college to the vocational career technical education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its vocational career technical education fund, adult education

fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for vocational career technical education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.";

And by renumbering sections accordingly;

On page 9, following line 19, by inserting:

- "Sec. 20. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:
 - (a) "Board of trustees" means the governing body of a community college.
- (b) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (c) "Chief administrative officer" means the president or one so appointed by the board of trustees.
- (a) (d) "Community college" means a public community college established under the provisions of this act. The official name of a community college shall be "the _____ community college" and the blank shall be filled with the name of the city or county.
 - (b) "State board" means the state board of regents.
- (e) (e) "Community college district" means the taxing district of a community college.
 - (d) "Board of trustees" means the governing body of a community college.
- (e) "State plan" means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon-recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.
- (f) "Campus" means the location of all or part of the buildings and facilities of a community college.
- (g) "Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.
 - (f) "State board" means the state board of regents.
- (h) (g) "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.
- (i) "Chief administrative officer" means the president or one so appointed by the board of trustees.
- Sec. 21. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be entitled to eligible for state aid during the continuance of any such period of withdrawal. Any action of the state board of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.
 - Sec. 22. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory

may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

- (a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board. After considering the petition, the state board may approve such attachmentif the advisory council has so recommended. If the advisory council has not so recommended. The state board shall so inform may seek the recommendation of the board of trustees of the community college involved and may request its recommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the community college district be approved?", and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.
- Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as set forth in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board shall so inform the board of trustees and in such case such attachment shall not be made. If the advisory council state board approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.
- (c) No territory shall be attached to any community college district within 120 days prior to the general election of members of the board of trustees.
- (d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state

board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.

- Sec. 23. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area-vocational school or area-vocational-technical school technical college or the institute of technology at Washburn university, may make and enter into agreements providing for the transfer from the area-vocational school or area-vocational-technical school-technical college or the institute of technology to the community college of any approved career technical education program being offered and taught at the postsecondary level in the area-vocational school or area-vocational-technical school-technical college or the institute of technology.
- (b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:
- (1) The state board of regents shall be notified of the agreement at the time the agreement is executed.
- (2) The agreement shall be effective only after approval by the state board of regents.
- (3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.
 - (4) The agreement shall be subject to change or termination by the legislature.
- (5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).
- (B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.
- Sec. 24. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:
- (a) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.
- (a) (b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the

board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

- (b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school."
- (e) "Area vocational-technical school" means any vocational education school-which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.

The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.

- (c) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.
- (d) "School district" means any school district organized under the laws of this state.
- (e) (d) "Community college" means any community college organized and operating under the laws of this state.
- (e) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated, and amendments thereto.
- (g) "School district" means any school district organized under the laws of this state.
 - (h) "School year" means the 12-month period ending on June 30.
 - (i) "State board" means the state board of regents.
- (g) (j) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.
- (k) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

- (h) (l) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.
 - (i) "State board" means the state board of regents.
 - (j) "School year" means the twelve-month period ending on June 30.
- (k) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.
- (h) (m) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.
- (m) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.
- (n) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general-education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework-leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.
- Sec. 25. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education provided for pursuant to the Carl D. Perkins career and technical education act of 2006 in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in the state treasury.
- Sec. 26. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:

- (a) "Area vocational school," "area vocational-technical school," "Board," "state board," and "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto.
- (c) "School" means any area vocational school and any area vocational-technical school:
- (d) "Vocational (b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to a school an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of school buildings, architectural expenses incidental thereto, the acquisition of buildings for school purposes and school building sites and the acquisition of equipment.
- (c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn university.
- Sec. 27. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every area vocational-technical school eligible institution a fund which shall be called the "vocational career technical education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an area vocational-technical school eligible institution from distributions made under this act shall be credited to the vocational career technical education capital outlay fund.
- (b) Any moneys received, prior to or after the effective date of this act, by an area vocational-technical school eligible institution from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the vocational career technical education capital outlay fund and may be expended by the area vocational-technical school institution for any purpose for which vocational career technical education capital outlay aid may lawfully be expended.
- Sec. 28. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of vocational career technical education capital outlay aid for each school eligible institution shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as vocational career technical education capital outlay aid to each school eligible institution five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each school entitled to institution eligible for payment of vocational career technical education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state board. Upon receipt of such warrant, the treasurer of each area vocational school fund. The treasurer of each area vocational technical school eligible institution shall deposit the amount of

such warrant to the credit of the vocational career technical education capital outlay fund established by this act.

In the event any sehool eligible institution is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the sehool institution of the amount of such overpayment, and such sehool institution shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such sehool institution fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such sehool institution. In the event any sehool institution is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the sehool academic year in which the underpayment was made or within 60 days after the end of such sehool academic year.

- Sec. 29. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:
- (a) "Career technical education program" means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.
- (b) "Career technical education institution" means any area vocational school, area vocational-technical school, technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.
- (c) "Area vocational school," "area vocational technical school," "Community college," "institute of technology," "municipal university," "state educational institution," "technical college," and "state board" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
- (e) "Program" means the Kansas training information program established by this act.
- Sec. 30. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every area vocational school or area vocational-technical school technical college and the institute of technology shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.
- (1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and
- (2) the agreement shall be effective only after approval by the state board of regents.
 - (c) The state board of regents shall prescribe criteria or guidelines for the purpose

of determining which courses of study and programs offered in the area vocational-schools and area vocational-technical schools technical colleges and the institute of technology are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.

- Sec. 31. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state board of regents shall adopt a policy requiring articulation agreements among area-vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at area vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions in order to facilitate articulation of students in technical programs to and among area vocational schools, area vocational-technical schools, community colleges, technical colleges, the institute of technology and state educational institutions.
- Sec. 32. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:
- (a) "Area vocational school", "area vocational-technical school", and "Community college," "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
- (b) "Career technical education institution" means any area vocational school, area vocational-technical school or community college, technical college or the institute of technology.
 - (c) "Board" means the state board of regents.
 - (d) "Program" means Kansas technology innovation and internship program.
- Sec. 33. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) On or before July 1, 2005, All technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:
 - (1) The composition of the independent governing board;
- (2) the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of

employment and address other personnel matters.

- (b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools. Any amendments to the plan shall be submitted to the state board of regents for approval.
- (2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board-established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.
- (c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:
- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
- (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;
- (5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;
- (6) select a chairperson and such other officers as it deems desirable, from its membership;
 - (7) sue and be sued;
- (8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;
- (9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;
 - (10) enter into contracts:
 - (11) accept any gifts, grants or donations;
 - (12) acquire and dispose of real or personal property;
- (13) enter into lease agreements as lessor of any property owned or controlled by the college;
- (14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;
 - (15) contract with one or more agencies, either public or private, whether located

within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

- (16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;
- (17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;
- (18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; and
- (19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; and
- (20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board.";

And by renumbering sections accordingly;

On page 10, following line 29, by inserting:

- "Sec. 35. K.S.A. 2010 Supp. 72-4481 is hereby amended to read as follows: 72-4481. (a) There is hereby established the postsecondary technical education authority. The authority shall be composed of 12 members appointed as follows:
- (1) Four members shall be appointed by the state board of regents. Of the members appointed by the state board of regents: Two shall be members of the state board of regents, or the designee thereof; one shall be a representative of the community colleges which provides technical education, or the designee thereof; and one shall be a representative of the technical colleges in the state, or the designee thereof;
- (2) three members shall be appointed by the governor. Of the members appointed by the governor: One shall represent Kansas business and industry; and two shall represent the general public;
- (3) one member shall be appointed by the president of the senate and shall be a representative of business and industry:
- (4) one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and
- (5) the commissioner of education, the secretary of commerce and the secretary of labor, or the designee thereof, who shall serve as ex officio members of the authority.
- (b) When making appointments of the representatives of Kansas business and industry and the general public, consideration shall be given to persons who are recognized for their knowledge or expertise and are representative of current and emerging technical career clusters of the state. No more than two members of the authority shall be representative of any one specific technical career cluster. Of the members appointed to represent Kansas business and industry and the general public, there shall be appointed at least one member from each congressional district. Redistricting of congressional districts occurring subsequent to a member's appointment shall not disqualify any member of the authority from service. The state board of regents shall determine the technical career clusters of the state.

- (c) No more than five voting members of the authority shall be members of the same political party.
- (d) Any vacancy in the membership of the authority shall be filled by appointment in the same manner as provided for original appointment of the member.
- (e) The members of the authority shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the authority from among the first members appointed.
- (f) The authority may meet at any time and at any place within the state on the call of the chairperson. A quorum of the authority shall be five voting members. All actions of the authority shall be by motion adopted by a majority of those voting members present when there is a quorum.
- (g) Members of the authority attending meetings of the authority, or attending a subcommittee meeting thereof authorized by the authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.
- Sec. 36. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:
- (1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community junior college, the board of regents of any municipal university, the board of control of any area vocational-technical school the governing board of any technical college and the board of education of any school district.
- (2) "Student" means a person who has attained eighteen (18) 18 years of age, or is attending an institution of postsecondary education.
- (3) "Pupil" means a person who has not attained eighteen (18) 18 years of age and is attending an educational institution below the postsecondary level.
- (b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and his or her such pupil's family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. To the extent that any other provision of law conflicts with this section, this section shall control.";

And by renumbering sections accordingly:

On page 11, following line 38, by inserting:

"Sec. 38. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the board of control of every area vocational school governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to

exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father parent or his such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission Kansas commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission Kansas commission on veterans affairs shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community junior college, the board of regents of Washburn university of Topeka, the board of every area vocational school. the board of control of every area vocational-technical school governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed twelve (12) 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the Kansas veterans' commission on veterans affairs for reimbursement of the amount of such tuition or fees. The Kansas veterans' commission on veterans affairs shall administer this act and the qualification of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

"Dependent" as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in said U. S. armed forces in the geographical area of the Vietnam conflict, has been declared to be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

- Sec. 40. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:
- (a) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.
 - (b) "Community college" means any community college established under the laws

of this state.

- (c) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.
- (d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (e) "Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (f) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.
 - (g) "Public university" means any state educational institution.
- (h) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
- (a) (i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.
- (b)_(j) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.
- (c) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.
- (d) "Community college" means any community college established under the laws of this state.
- (e) (k) "Technical college" means any technical college established under the laws of this state.
- (f) "Career technical education school" means any area vocational school or area vocational-technical school established under the laws of this state.
 - (g) "Public university" means any state educational institution.
- (h) "Postsecondary educational institution" means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.
- (i) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32.163, and amendments thereto.
- (j) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.
- (k) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.
- Sec. 41. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:
- (a) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state

educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.

- (b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.
- (c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
- Sec. 42. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.
- (b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.
- (c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, a technical college, community college, vocational school coordinated under the state board of regents the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.
- (d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.
- (e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.
- (f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending area-vocational technical schools, technical colleges, community colleges, area-vocational schools the institute of technology at Washburn university or associate degree programs

at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of labor standards.

- (g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.
- Sec. 43. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:
- (1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (2) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.
- (1) (4) "Kansas educational institution" means and includes area vocational-schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.
- (5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.
- (6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.
- (2)(8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.
- (3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security

personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

- (4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the firedepartment thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.
- (5) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto-
- (6) "Dependent" means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.
- (9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
 - $\frac{7}{(11)}$ "State board" means the state board of regents.
- (8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.
- (9) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.
- (10) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.
- (11) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.
- (b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.
- (c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports.

Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

- (d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.
- Sec. 44. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:
- (a) "Kansas educational institution" means and includes any area vocational school, area vocational-technical school, community college, the municipal university, state educational institution, the institute of technology at Washburn university or technical college.
- (b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and
 - (2) who enrolls in a Kansas educational institution on or after July 1, 2006.
- (c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.
- (d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
 - (e) "Secretary" means the secretary of social and rehabilitation services.
- Sec. 45. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.
- (b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions

associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

- (2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.
- (c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.
- (d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.
- (e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.
- (f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or

by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

- (2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.
- (3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.
- (g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.
- (h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.
- Sec. 46. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:
 - (a) "Board" means the state board of regents.
- (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.
- (c) "Library" means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.
 - (d) "Network" means the KAN-ED network created pursuant to this act.
- (e) "School" means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, area vocational school, area vocational-technical school the institute of technology at Washburn university or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.
- Sec. 47. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:
- (a) "Board" means the state board of regents or the board of regents of a municipal university or the board of control of the Northwest Kansas area vocational-technical school governing board of the northwest Kansas technical college or the board of control of the North Central Kansas area vocational-technical school governing board of

the north central Kansas technical college or the board of trustees of any community college.

- (b) "Institution" means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the Northwest Kansas area vocational-technical school, and the North Central Kansas area vocational-technical school- northwest Kansas technical college and the north central Kansas technical college.
- "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, oncampus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building. structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.
- (d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.
- (e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.
- (f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries,

on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

- Sec. 48. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768. (a) On and after July 1, 2006:
- (1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.
- (2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.
- (3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.
 - (b) As used in this section:
- (1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.
- (2) "Postsecondary educational institution" means and includes area vocational-schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and private institutions of postsecondary education.
- Sec. 49. K.S.A. 2010 Supp. 76-769 is hereby amended to read as follows: 76-769. (a) As used in this section:
- (1) "State educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.
- (2) "Professional services" means professional services as defined in K.S.A. 75-37.131, and amendments thereto.
 - (3) "State board" means the state board of regents.
 - (4) (A) "Services" means any professional services or other contractual services.
- (B) "Services" does not mean architectural services, engineering services, construction, construction management or ancillary technical services.
- (5) "Municipality" means any political or taxing subdivision of the state and any agency or instrumentality of a political or taxing subdivision of the state.
 - (6) "Lease of real property" means:
- (A) Any agreement to lease real property: (1) Between a state educational institution and one or more of its affiliated corporations; (2) between a state educational institution and a municipality; (3) between a state educational institution and any other party for vacant space that is less than 10,000 square feet; or (4) between a state educational institution and any other party for a term not to exceed 24 months.
- (B) "Lease of real property" includes any agreement to lease real property from a state educational institution and any agreement to lease real property to a state educational institution.
- (C) (b) Any supplies, materials, equipment, goods, property, printing or services may be acquired by a state educational institution, and any lease of real property may be entered into by a state educational institution. Any such acquisition or lease shall be in accordance with policies adopted by the state board and shall not be subject to K.S.A. 75-1005, 75-3737a through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-37,134, and amendments thereto, or any rules and regulations or policies adopted thereunder. Nothing in this subsection shall be construed as prohibiting a state educational institution from using contracts established or services offered by the director of purchases.

(b) (c) The acquisition of any articles or products produced by inmates in the custody of the secretary of corrections that may be required by a state educational institution may be acquired in accordance with policies adopted by the state board. Any such acquisition shall not be subject to the provisions of the prison-made goods act of Kansas requiring any such acquisition to be made from the secretary of corrections as provided in K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules and regulations or policies adopted thereunder.";

And by renumbering sections accordingly;

Also on page 11, by striking all in line 39;

On page 12, by striking all in lines 1 and 2, and inserting:

"Sec. 50. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a, 71-614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214, 72-6503, 72-6803, 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768, 76-769 and 76-781 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking "technical"; also in line 1, after "education;" by inserting "relating to technical education;"; by striking all in lines 3 through 5 and inserting "K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 72-6503, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768 and 76-769 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781.":

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

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House
JEAN KURTIS SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **SB 143** was adopted. On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Grange, Schwartz, Ward.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Johnson as a member of the conference committee on S. Sub. for HB 2194 to replace Rep. Grange.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6031—

By Representatives Brunk, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION congratulating and commending the Wichita State University Shocker men's basketball team for winning the 2011 National Invitation Tournament. WHEREAS, The Wichita State University Shockers won the 2011 Men's National Invitation Tournament Championship on March 31, 2011 in New York City; and

WHEREAS, The Shockers set the school record with 29 victories in a season; and WHEREAS, Wichita State advanced to the NIT Championship with five straight wins in the tournament, beating the University of Nebraska, Virginia Tech University, College of Charleston, Washington State University and finally the University of Alabama in the championship game; and

WHEREAS, Graham Hatch was named the NIT Most Outstanding Player and a member of the All-Tournament Team while Garrett Stutz also was named to the All-Tournament Team; and

WHEREAS, Wichita State and Head Coach Gregg Marshall were not only successful on the court but in the classroom as well, with Graham Hatch and Garrett Stutz both named to the 2011 Missouri Valley Conference Scholar-Athlete first-and honorable mention-teams, respectively; and

WHEREAS, Wichita State tied the 1982-83 WSU team for Missouri Valley road wins as that team was also 8-1 on the road in the MVC; and

WHEREAS, J.T. Durley became WSU's 42nd First Team All-Missouri Valley Conference selection and was third in Player of the Year voting; Junior guard Toure' Murry was named to the second-team and Ben Smith was named recipient of the "Sixth Man Award"; Smith and junior center Garrett Stutz both received Missouri Valley Conference All-Bench Team recognition; while junior guard David Kyles was named to the Valley's Most-Improved Team; and

WHEREAS, Wichita State was chosen the Valley's Army National Guard Defensive Team of the Year; and

WHEREAS, J.T. Durley and Toure' Murry became the 39th and 40th Shockers to reach 1,000 points for their careers in 2011; and

WHEREAS, Nine Wichita State men's basketball players were named to the Fall 2010 WSU Athletic Director's honor roll: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate the Wichita State University Shockers, Head Coach Gregg Marshall, Athletic Director Eric Sexton and WSU President Don Beggs on a successful Shocker men's basketball program, and do hereby congratulate each member of the team for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure' Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker and Demetric Williams on behalf of the citizens of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 25 enrolled copies of this resolution to Representative Brunk.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2049; HB 2312 reported correctly re-engrossed May 5, 2011. Also, HB 2010 reported correctly engrossed May 9, 2011.

REPORT ON ENROLLED BILLS

HB 2020, HB 2076, HB 2104, HB 2105, HB 2119, HB 2133, HB 2147, HB 2151, HB 2172, HB 2195, HB 2240; Sub. HB 2271; HB 2282, HB 2392 reported correctly enrolled, properly signed and presented to the Governor on May 6, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Tuesday, May 10, 2011.

Journal of the House

SIXTY-THIRD DAY

Hall of the House of Representatives, Topeka, KS, Tuesday, May 10, 2011, 10:00 a.m.

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

The roll was called with 122 members present.

Rep. Schwartz was excused on legislative business.

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

Prayer by Chaplain Brubaker:

Our Heavenly Father, As we come into this chamber day after day we are reminded of all the wonderful people who are so committed and work so hard for all our leaders the clerks – doormen – aides and other office personnel. They are the ones who work tirelessly behind the scenes to enable our leaders to accomplish their tasks – and look good in doing so. Thank you for their diligent efforts, their smiles, and their willingness to do whatever it takes to make things happen. Help us all to take a moment today to personally thank them. And for our honored guests today -Thank you for their success due to their hard work and the gifts and skills you have graced them with in winning the NIT. In Your Son's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Gonzalez.

Kansas Trivia Question – The flag pole at Topeka High School was made of metal from what ship? Its given name and its nickname.

Answer: The USS Constitution, "Old Ironsides."

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ward, HR 6031, A RESOLUTION congratulating and commending the Wichita State University Shocker men's basketball team for winning

the 2011 National Invitation Tournament, was adopted.

Rep. Brunk introduced the members of the team and expressed congratulations on behalf of the Wichita area delegation and all the members of the House. Rep. Ward introduced the head coach and the athletic director of Wichita State University.

PERSONAL PRIVLEDGE

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

I feel so blessed and happy today because our family has been blessed once again with a beautiful baby. Hugh James Carlin was born yesterday, May 9, at 3:37p.m. to Ryan and Molly Carlin in Atlanta. He weighed 7 lbs. 14oz. and is 20½ inches long. He is our 12th grandchild.

INTRODUCTION OF GUESTS

Rep. M. Holmes introduced his 20 year-old daughter, Camille, who has just published her first novel, "Royalty in Disguise." She was accompanied by her sister, Noelle.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to SB 77, and requests return of the bill.

The Senate adopts conference committee report on SB 193.

The Senate adopts conference committee report on S. Sub. for HB 2071.

The Senate adopts conference committee report on **Sub. HB 2191**.

The Senate adopts conference committee report on S. Sub. for HB 2194.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Mesa, HR 6032, by Reps. Mesa, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, as follows, was introduced and adopted.

HOUSE RESOLUTION No. HR 6032—

A RESOLUTION congratulating and commending Victor Ortiz for becoming the World Boxing Council (WBC) welterweight champion of the world.

WHEREAS, On April 16th, 2011 Victor "Vicious" Ortiz defeated Andre Berto by unanimous decision to become the WBC welterweight champion of the world at Foxwoods, Connecticut; and

WHEREAS, Shortly after his birth in Liberal, Kansas, Victor Ortiz moved to and grew up in Garden City, Kansas where he attended the Garden City Unified School District No. 457, from kindergarten through the ninth grade; and

WHEREAS, Victor Ortiz has developed his "Vicious" nickname and fighting style by attacking challenges head-on. He has overcome trying circumstances and difficult obstacles to achieve his goal of becoming a world champion. He was forced to grow up without his mother from age 7 and without his father from age 12. He would later become the guardian for his younger brother, Temo, juggling a demanding training schedule with his newly assumed responsibilities as a father figure; and

WHEREAS, Victor Ortiz started his boxing training and career in Garden City, Kansas under the tutelage of Ignacio "Bucky" Avila at the Garden City Boxing Club, who not only trained Victor how to box, but also how to be a man; and

WHEREAS, Victor Ortiz found a support system inside the Garden City Boxing Club and also with tutor and mentor Sharon Ford, who took Victor into her home when his family life disintegrated; and

WHEREAS, Victor Ortiz won a Silver Glove Championship and was a two-time Golden Glove Champion; and

WHEREAS, Victor Ortiz eventually became a seven-time national amateur boxing champion; and

WHEREAS, Regardless of Victor's travels, his heart has remained in Kansas. A KU Jayhawk fan since the age 5, he enjoys frequent trips to Lawrence to visit friends on the KU campus. During his title fight against Berto, Victor sported a pair of boxing trunks with the official Jayhawk logo on the back; and

WHEREAS, Victor Ortiz has always called Garden City, Kansas "home"; and

WHEREAS, Victor Ortiz is proud to serve as a role model exemplifying hard work and commitment, especially for the Hispanic and Latino communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Victor Ortiz for becoming the WBC welterweight boxing champion of the world. His determination and perseverance in the face of numerous hardships and challenges serve as inspiration to all Kansans. We wish him continued success in and out of the ring and all happiness in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send two enrolled copies of this resolution to Representative Mesa.

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

I want to take this chance to honor a Kansas champion today. Victor Ortiz won the World Boxing Council's Welterweight Championship Title on April 16, after a grueling fight against Andre Berto, in which both boxers were knocked out twice.

Despite his boxing nickname being "Vicious," everyone that knows Victor says that he is always smiling, always upbeat, and always positive. Victor's story is not only a lesson in the value of positivity – it's also a lesson in determination, patience and hard

work.

Victor was born and raised in Garden City, but had to learn to care for himself and his siblings from a young age after both parents abandoned the family early in his life. Victor and his siblings spent their pre-teen years without any adult guardian. Without anyone to look after them, Victor was forced to resort to selling drugs just to be able to feed himself and his siblings. Victor and his brother also spent some time in foster care, until his older sister took over legal guardianship over the two boys when she turned 18.

By then, Victor had already begun spending hours in the gym, training for a boxing career that would eventually give him a chance to shine. He found mentors to help him on his journey, never let up on the effort that he put forth, and above all, despite his experiences as a child, he kept a positive attitude and a smile on his face.

Victor exemplifies the spirit of not getting bitter over the circumstances of your life, but rather to channel your energy into making yourself better. And make himself better he did. By the age of 16, he had made the Junior Olympics Tournament, finishing first in his weight class. He trained hard in his teenage years, and turned pro at the age of 17.

Victor suffered an enormously scary and insecure childhood. It is my hope that no child in Kansas ever has to face the circumstances that Victor had to. But now, everyone that knows Victor says that he can't keep a smile off of his face. That positivity has served him well in his boxing career, and it's that positivity that I would like to celebrate and honor today.

Victor didn't get bitter – he got better.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering SB 61; H. Sub. for SB 196; SB 150; S. Sub. for HB 2194; HB 2191; S. Sub. for HB 2071.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 196** 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, printed as House Substitute for SB 196, as amended by House Committee of the Whole (Corrected), as follows:

On page 1, after line 31, by inserting the following:

"(c) The secretary shall annually make a report on activities of the department related to administration of the job creation program fund and the funding of projects therefor. Such report shall contain specific and aggregate information regarding all expenditures from the fund, projects receiving funds, the amount of funds expended for each project, the reason and purpose described in subsections (a)(1) through (a)(8) for which funding was approved for each project, the number and characteristics of jobs created or retained in Kansas, the number of such jobs created or retained which do not continue to exist and the circumstances and effect of such discontinuance, and any other accomplishments related thereto. The secretary shall present such report to the president of the senate, the speaker of the house, the senate minority leader, the house minority leader, the house committee on taxation, the senate committee on assessment and

taxation, the senate committee on commerce and the house committee on commerce and economic development during January of each year.";

On page 7, by striking all in line 20, and inserting the following:

- "(a) (1) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.
- (2) Upon receipt of the rates determined and certified under subsection (a)(1), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (A) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund; and (B) the remaining portion shall be credited to the IMPACT program services fund.
- (3) The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all moneys withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.
 - (4) The provisions of this subsection shall remain in effect prior to July 1, 2012.
 - (b) Commencing July 1, 2012, the secretary of";

Also on page 7, in line 29, by striking "(b)" and inserting "(c)";

On page 8, by striking all in lines 40 through 43;

By striking all on pages 9 through 14:

On page 15, by striking all in lines 1 through 34;

And by renumbering sections accordingly;

On page 27, in line 41, by striking "74-50,115(c)" and inserting "74-50,115(e)";

On page 51, in line 23, by striking all after "74-50,110,";

One page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "income"; in line 6, by striking all after "74-50,110,"; in line 7, by striking "74-50,213,";

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

RICHARD CARLSON
MARVIN KLEEB
NILE DILLMORE
Conferees on part of House
PAT APPLE
JEFF KING
G. THOMAS HOLLAND II
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on H. Sub. for SB 196

was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Grange, Schwartz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 61** submits the following report:

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

On page 1, by striking all in lines 28 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 10, and inserting the following:

- "Sec. 2. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.
- (b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to

accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

- (c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof:
- (2) allow the inspection of returns by the attorney general or other legal representatives of the state;
- (3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;
- (4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;
- (5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;
- (6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission:
- (7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;
- (8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);
- (9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either,

to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

- (10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;
- (11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;
- (12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; and
- (13) provide taxpayer information of persons suspected of violating K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended and amendments thereto, and the results or status of such audit or investigation; and
- (14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns.
- (d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).
- (e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.
- (f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related

federal internal revenue rules or regulations, or other federal law.

Sec. 3. K.S.A. 2010 Supp. 74-50,208 and 79-3234 are hereby repealed.";

And by renumbering section 5 as section 4;

Also on page 6, in line 12, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking "credits; "and inserting "income tax credits,"; in line 2, by striking all after the semicolon; in line 3, by striking all before "amending" and inserting "tax information, disclosure to state treasurer in certain circumstances, unclaimed property;"; by striking all in line 4, and inserting "K.S.A. 2010 Supp. 74-50,208 and 79-3234";

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

RICHARD CARLSON
MARVIN KLEEB
NILE DILLMORE
Conferees on part of House
PAT APPLE
JEFF KING
G. THOMAS HOLLAND II
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **SB 61** was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Grange, Schwartz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2194** 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. 2194, as follows:

On page 1, in line 29, by striking "and"; in line 30, after the first comma, by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (e) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%":

On page 2, in line 25, after "and" by inserting ", subject to any election made pursuant to the provisions of section 8, and amendments thereto, 1.4% or"; by inserting in line 27, after the period, "If the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the members final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.";

On page 4, in line 25, before "Each" by inserting "Subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 28, after "(a)" by inserting "Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.4% of such member's final average salary, 4% of such member's compensation as employee contributions, and (b)"; in line 29, after "2014," by inserting "for members who elected to receive an amount for participating service equal to the total of 1.85% of such member's final average salary, who did not make an election pursuant to section 8, and amendments thereto, or if the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto,"; also in line 29, by striking "; and"; in line 30, by striking "(b)" and inserting ", and ";

On page 7 in line 29, by striking "and" the first time it appears; also in line 29, after "2013," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%";

On page 8, in line 9, by striking "and"; in line 10, after "2014," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017,"; in line 11, by striking "1.1%" and inserting "1.2%":

On page 10, in line 20, after the comma by inserting "subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 24, after "to" by inserting "any election made pursuant to "; in line 25, by striking "1.85%" and inserting "1.4%"; in line 28, after "benefit" by inserting ", except that if the federal internal revenue services refuses to grant an approval or issues an adverse decision as

described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.75% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014" also in line 28, by striking "Notwithstanding"; by striking all in lines 29 through 43;

On page 11, by striking all in lines 1 through 13;

And renumbering section 7 as section 6;

Also on page 11, after line 36, by inserting the following:

- "Sec. 7 K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.
- (b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.
- (2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.
- (c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.
- (d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

- (e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.
- (f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this aet July 1, 2012, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for: (A) Rehabilitation and repair or other capital improvements for such institution: or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund-Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system. As used in this section, "unfunded actuarial pension liability" means the unfunded actuarially accrued liability of the state for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, portion of such liability of the Kansas public employees retirement system, determined as of the later of December 31, 2011, or the end of the most recent calendar year for which an actuarial valuation report is available.
- (2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.
- (3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.
- (g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.
 - (h) Sale of the Olathe travel information center shall not be subject to the

provisions of this section.";

On page 12, by striking all in lines 3 through 34, and by inserting the following:

- "(b) Except as otherwise provided in this act, a member of the system under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, on July 1, 2013, may elect to: (1) Contribute, commencing January 1, 2014, 5% of such member's compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.85% of such member's final average salary; or (2) continue to contribute 4% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.4% of such member's final average salary. Members shall make such election within a 90-day period established by the board.
- (c) Except as otherwise provided in this act, a member of the system under the provisions of the Kansas public employees retirement act of 2009, on July 1, 2013, may elect to: (1) Continue to contribute, commencing January 1, 2014, 6% of such member's compensation as employee contributions pursuant to K.S.A. 74-49,210, and amendments thereto, receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and receive an amount for participating service equal to the total of 1.4% of the member's final average salary; or (2) continue to contribute 6% of such member's compensation as employee contributions and not be eligible to receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto. Members who make this election to contribute at the 6% amount pursuant to this subsection and not be eligible to receive an annual cost-of-living adjustment shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary. Members shall make such election within a 90-day period established by the board.
- (d) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.
- (2) A member failing to make an election pursuant to subsection (b) shall contribute 6% of such member's compensation as employee contributions, and shall receive an amount for participating service equal to the total of 1.85% of the member's final average salary.
- (3) A member failing to make an election pursuant to subsection (c) shall contribute 6% of such member's compensation as employee contribution, shall not receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary.
- (4) An election under this section, including the default election pursuant to subsection (d)(2) or (d)(3), is a one-time irrevocable election.
- (e) The provisions of this section shall take effect July 1, 2012, and upon the date of publication in the Kansas register of the notice prescribed in section 10.":
- Also on page 12, in line 42, by striking "11" and inserting "13"; in line 43, by striking "11" and inserting "13";

On page 13, in line 11, by striking "three" and inserting "five"; in line 32, by striking "December 15,"; in line 33, by striking "2011" and inserting "January 6, 2012"; in line 35, by striking "necessary" and inserting a period; also in line 35, after "commission" by inserting ", one bill shall be introduced in the senate and one bill shall be introduced in

the house of representatives, which such bills shall contain the exact same provisions, during the 2012 legislative session"; in line 43, by striking all after "shall";

On page 14, by striking all in lines 1 and 2; in line 3, by striking "commission" and inserting "mean at least one house of the legislature holding one or more public hearings in one or more committees and voting on final action by any such committee on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto, and the other house of the legislature voting on final action in committee of the whole on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto"; after line 4, by inserting the following:

"New Sec. 11.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On and after July 1, 2011, during the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012 as authorized by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the above agency to provide actuarial services for the KPERS study commission. All such expenditures shall be in addition to any other expenditure limitation imposed on expenditures from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012, except that such expenditures shall not exceed \$60,000.";

And by renumbering sections accordingly;

Also on page 14, in line 7, by striking "74-49,210"; in line 8, by striking "and"; also in line 8, after "74-49,213" by inserting "and 75-6609";

On page 1, in the title, in line 3, before "KPERS" by inserting "sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund;"; in line 4, before "amending" by inserting "making certain appropriations for fiscal year 2012;"; in line 5, by striking "74-49,210 and"; also in line 5, after "74-49,213" by inserting "and 75-6609";

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

JEFF KING
JEFF LONGBINE
ANTHONY HENSLEY
Conferees on part of Senate
MITCH HOLMES
STEVEN C. JOHNSON
LOUIS E. RUIZ
Conferees on part of House

On motion of Rep. M. Holmes, the conference committee report on S. Sub. for HB 2194 was adopted.

On roll call, the vote was: Yeas 89; Nays 30; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Donohoe, Fawcett, Finney, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grant, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Landwehr, Lane, Loganbill, Mast, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Patton, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Seiwert, Siegfreid, Slattery, Sloan, Spalding, Swanson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Carlin, Denning, Dillmore, Feuerborn, Frownfelter, S. Gatewood, Gordon, Hedke, Henderson, Henry, Kelley, Kinzer, Kuether, Mah, McCray-Miller, Meier, Meigs, O'Hara, Otto, Pauls, Phelps, Scapa, Schwab, Shultz, Smith, Tietze, Trimmer, Tyson, Winn.

Present but not voting: None.

Absent or not voting: Brown, Grange, Rhoades, Schwartz, Suellentrop.

On motion of Rep. Siegfreid, the House recessed until 12:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2191** submits the following report:

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

On page 2, by striking all in lines 34 through 43;

On page 3, by striking all in line 1 and inserting the following:

"(2) A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher's performance is less than satisfactory.";

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

JEAN KURTIS SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House

On motion of Rep. Aurand, the conference committee report on Sub. HB 2191 was adopted.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Flaharty, Frownfelter, Henderson, Kuether, Loganbill, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Tietze, Trimmer, Victors, Winn.

Present but not voting: None.

Absent or not voting: Grange, Schwartz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2071** 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. 2071, as follows:

On page 1, by striking all in lines 6 through 36:

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 29 and inserting "New Section 1. (a) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to such commitment, the costs incurred, including, but not limited to, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses, and other expenses related to the prosecution and defense of such petition shall be taxed to the county responsible for the costs. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

- (b) The county responsible for the costs incurred pursuant to subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.
- (c) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.
- Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:
- (1) K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator; and
- (2) section 1, and amendments thereto, for the costs related to a person filing a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to the civil commitment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.
- (b) All expenditures from the sexually violent predator expense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.
- Sec. 3. K.S.A. 59-29a06 is hereby amended to read as follows: 59-29a06. (a) Within 60 days after the completion of any hearing held pursuant to K.S.A. 59-29a05, and amendments thereto, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced.
- (b) At all stages of the proceedings under K.S.A. 59-29a01 et sea.. and amendments thereto, any person subject to K.S.A. 59-29a01 et seq., and amendments thereto, shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to an examination under K.S.A. 59-29a01 et sea, and amendments thereto, such person may retain experts or professional persons to perform an examination of such person's behalf. When the person wishes to be examined by a qualified expert or professional person of such person's own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether the services are necessary and reasonable compensation for such services. If the court determines that the services are necessary and the expert or professional person's requested compensation for such services is reasonable, the court shall assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the

person and compensation received in the same case or for the same services from any other source.

- (c) Notwithstanding K.S.A. 60-456, and amendments thereto, at any trial conducted under K.S.A. 59-29a01 et seq., and amendments thereto, the parties shall be permitted to call expert witnesses. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If the facts or data are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, such facts and data need not be admissible in evidence in order for the opinion or inference to be admitted.
- (e)(d) The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is made, the trial shall be before the court.
- (d)(e) A jury shall consist of 12 jurors unless the parties agree in writing with the approval of the court that the jury shall consist of any number of jurors less than 12 jurors. The person and the attorney general shall each have eight peremptory challenges, or in the case of a jury of less than 12 jurors, a proportionally equal number of peremptory challenges.
- (e)(f) The provisions of this section are not jurisdictional, and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 *et seq.*, and amendments thereto.
 - Sec. 4 K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a are hereby repealed.";

On page 1, in the title, by striking lines 1 through 3 and inserting: "AN ACT concerning sexually violent predators; relating to habeas corpus; relating to expert testimony; amending K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a and repealing the existing sections.";

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

THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate
LANCE KINZER
JOE PATTON
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on **S. Sub. for HB 2071** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood,

Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Grange, Schwartz.

On motion of Rep. Siegfreid, the House recessed until 2:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 154** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 154," as follows:

"HOUSE Substitute for SENATE BILL NO. 154

By Committee on Appropriations

"AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 154 was thereupon introduced and read by title.)

REPORT ON ENROLLED BILLS

HB 2044; Sub. HB 2135 reported correctly enrolled, properly signed and presented to the Governor on May 10, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6024, HR 6025, HR 6027, HR 6028, HR 6029, HR 6030 reported correctly enrolled and properly signed on May 10, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, May 11, 2011.

Journal of the House

SIXTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES, TOPEKA, KS, Wednesday, May 11, 2011, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 122 members present.

Rep. Rhoades was excused on legislative business.

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

Present later: Rep. Rhoades.

Prayer by Chaplain Brubaker:

Our Heavenly Father,

As we draw nearer to what we hope is the end of this session, it seems as though our patience and endurance is tested. We hurry up to wait only to be frustrated when it appears we are not getting closer to finishing.

We see a light at the end of the tunnel, but fear it is a train coming our way.

Teach us to listen and apply Your Word:

"Consider it pure joy...
because you know that the testing of your faith develops perseverance.

Perseverance must finish its work so that you may be mature and complete, not lacking anything."

(James 1:4-5)

Your Word also tells us that You will not place upon us that which is beyond what we can endure.

(I Corinthians 10:13 paraphrased)

Some of us may be surprised just how endurable we are these days!

Give us Your grace and help us to be patient, persevering and enduring.

In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Tietze.

Kansas Trivia Question – In the ultimate act of bi-partisan unity, Topeka native and registered Democrat Nikki Noe graciously accepted a proposal to be wed to which

Concordia, Kansas native on the evening of May 10, 2011?

Answer: She accepted the proposal from Republican House staffer Ryan Gilliand in the House chamber two years after their courtship began – during the final days of the 2009 legislative session.

MESSAGE FROM THE SENATE

The Senate reconsidered it action on **H. Sub. for SB 37** and the Senate adopts conference committee report on **H. Sub. for SB 37**.

The Senate adopts conference committee report on SB 61.

The Senate adopts conference committee report on H. Sub. for SB 63.

The Senate adopts conference committee report on SB 143.

The Senate adopts conference committee report on H. Sub. for SB 196.

Announcing passage of HB 2336, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 154; HB 2336**.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55** 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. 55, as follows:

On page 1, following line 8, by inserting:

"New Section 1. (a) An individual who has been adjudicated as a mentally ill person subject to involuntary commitment for care and treatment, or who is prohibited from shipping, transporting, possessing or receiving firearms or ammunition by subsection (d)(4) or (g)(4) of 18 U.S.C. § 922, may petition for relief of disabilities for the purpose of firearm prohibitions imposed under state and federal laws.

- (b) A petitioner shall submit such petition to a court of competent jurisdiction within this state.
- (c) The court may only consider petitions for relief due to mental health adjudications or commitments that occurred within the state.
- (d) The court shall consider the petition for relief, in accordance with the principles of due process. Such petitioner shall submit, and such court shall receive and consider:
 - (1) The circumstances regarding the firearm disability imposed by federal law;
 - (2) such petitioner's mental health records;
 - (3) such petitioner's criminal history records; and
- (4) such petitioner's reputation, developed through character witness statements, testimony or other character evidence.
- (e) The court shall grant relief only if such court determines there is clear and convincing evidence that:
- (1) The petitioner will not be likely to act in a manner dangerous to public safety; and

- (2) granting such relief would not be contrary to the public interest.
- (f) If the court denies the petition for relief, the petitioner may petition a court of proper jurisdiction for a de novo judicial review of the court's decision to deny such petition.
- (g) Documentation of a granted petition shall be submitted to the Kansas bureau of investigation. The Kansas bureau of investigation shall immediately cause such order to be entered into the appropriate state and federal databases.
 - (h) As used in this section:
- (1) "Mentally ill person subject to involuntary commitment for care and treatment" has the same meaning as defined in K.S.A. 59-2946, and amendments thereto.
 - (2) "Due process" requires that:
- (A) The petitioner shall have the opportunity to submit such petitioner's own evidence to the court;
- (B) an independent decision maker, other than the individual who gathered the evidence for the court acting on the application, shall review such evidence; and
 - (C) a record of the proceedings shall be created and maintained for review.
- Sec. 2. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:
 - (1) Release the person without imposition of sentence;
- (2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); Θ
- (3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; or
- (4) impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.
- (c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.
- (d) If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.
 - (e) The court may impose any conditions of probation or suspension of sentence

that the court deems proper, including, but not limited to, requiring that the defendant:

- (1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;
- (2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;
 - (3) report to the probation officer as directed;
 - (4) permit the probation officer to visit the defendant at home or elsewhere;
 - (5) work faithfully at suitable employment insofar as possible;
 - (6) remain within the state unless the court grants permission to leave;
- (7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court;
 - (8) support the defendant's dependents;
- (9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;
- (10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;
- (11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;
- (12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court; or
- (13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.
- (f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- Sec. 3. K.S.A. 2010 Supp. 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, is hereby amended to read as follows: 12-4516a. (a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.
- (b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and

shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state: (1) The petitioner's full name:

- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
 - (3) the petitioner's sex, race and date of birth;
 - (4) the crime for which the petitioner was arrested;
 - (5) the date of the petitioner's arrest, and
 - (6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

- (c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
 - (2) a court has found that there was no probable cause for the arrest;
 - (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.
- (d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.
- (e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services;
- (2) in any application for admission, or for an order of reinstatement, to the practice of law in this state:
- (3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutual racing as deemed appropriate by the executive director of

the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

- (5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;
- (6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or
 - (8) in any other circumstances which the court deems appropriate.
- (f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:
- (1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
- (2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.
- (f) (g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.
- (g) (h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.
- Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.
- When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed \$15 per docket fee, to fund the costs of non-judicial nonjudicial personnel. The petition shall state:
 - (1) The petitioner's full name:

- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
 - (3) the petitioner's sex, race and date of birth;
 - (4) the crime for which the petitioner was arrested;
 - (5) the date of the petitioner's arrest; and
 - (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

- (c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;
 - (2) a court has found that there was no probable cause for the arrest;
 - (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.
- (d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.
- (e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
- (2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
- (3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
- (5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

- (6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or
 - (8) in any other circumstances which the court deems appropriate.
- (f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:
- (1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
- (2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.
- (f) (g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.
- (g) (h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.
- (h) (i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.";

And renumbering sections accordingly:

On page 8, following line 14, by inserting:

- "Sec. 7. K.S.A. 2010 Supp. 22-2802, as amended by section 118 of 2011 House Bill No. 2339, is hereby amended to read as follows: 22-2802. (1) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (14) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:
- (a) Place the person in the custody of a designated person or organization agreeing to supervise such person;
- (b) place restrictions on the travel, association or place of abode of the person during the period of release;

- (c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;
- (d) place the person under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
- (e) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week.
- (2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release.
- (3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.
- (4) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to paragraph_subsection (5), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to paragraph_subsection (3).
- (5) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (3) or posted with a deposit of cash as described in subsection (4). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:
 - (A) Is a resident of the state of Kansas;
 - (B) has a criminal history score category of G, H or I;
 - (C) has no prior history of failure to appear for any court appearances;
 - (D) has no detainer or hold from any other jurisdiction;
- (E) has not been extradited from, and is not awaiting extradition to, another state; and
 - (F) has not been detained for an alleged violation of probation.
 - (6) In the discretion of the court, a person charged with a crime may be released

upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all requirements to appear in court. The release of a person charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.

- (7) The court shall not impose any administrative fee.
- (8) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; whether the defendant is lawfully present in the United States; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.
 - (9) The appearance bond shall set forth all of the conditions of release.
- (10) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.
- (11) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (10) shall apply.
- (12) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.
- (13) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.
- (14) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.
 - (15) The magistrate may order the person to pay for any costs associated with the

supervision of the conditions of release of the appearance bond in an amount not to exceed \$15 per week of such supervision. As a condition of sentencing under section 244 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court may impose the full amount of any such costs in addition to the \$15 per week, including, but not limited to, costs for treatment and evaluation under subsection (2).

- Sec. 8. K.S.A. 22-3001 is hereby amended to read as follows: 22-3001. (1) (a) A majority of the district judges in any judicial district may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest
- (b) The district or county attorney in such attorney's county may petition the chief judge or the chief judge's designee in such district court to order a grand jury to be summoned in the designated county in the district to investigate alleged violations of an off-grid felony, a severity level 1, 2, 3 or 4 felony or a drug severity level 1 or 2 felony. The chief judge or the chief judge's designee in the district court of the county shall then consider the petition and, if it is found that the petition is in proper form, as set forth in this subsection, shall order a grand jury to be summoned.
- (2) (c) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election. The petition shall be in substantially the following form:

The undersigned qualified electors of the county of _____ and state of Kansas hereby request that the district court of _____ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed at the top thereof. Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any. One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the statements in the petition are true. The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer's certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election. The judge or judges of the district court of the county shall then consider the petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned.

(3) (d) The grand jury shall consist of 15 members and shall be drawn and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as

grand jurors.

- Sec. 9. K.S.A. 22-3601 is hereby amended to read as follows: 22-3601. (a) Any appeal permitted to be taken from a <u>district court's</u> final judgment of a <u>district court</u> in a criminal case shall be taken to the court of appeals, except in those cases reviewable by law in the district court and those cases where a or in which a direct appeal to the supreme court is required. Whenever an interlocutory appeal is permitted in a criminal case in the district court, such appeal shall be taken to the court of appeals.
- (b) Any appeal permitted to be taken from a <u>district court's</u> final judgment of a district court in a criminal case shall be taken directly to the supreme court in the following cases:
- (1) Any ease in which the defendant has been convicted of a class A felony or in which a maximum sentence of life imprisonment has been imposed or for crimes-committed on or after July 1, 1993, any ease in which the defendant has been convicted of an off-grid crime; and
- (2) (1) Any case in which a statute of this state or of the United States has been held unconstitutional:
 - (2) any case in which the defendant has been convicted of a class A felony;
- (3) any case in which a maximum sentence of life imprisonment has been imposed, unless the maximum sentence has been imposed pursuant to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and
- (4) except as provided further, any case in which the crime was committed on or after July 1, 1993, and the defendant has been convicted of an off-grid crime. The provisions of this paragraph shall not apply to any case in which the off-grid crime was:
- (A) Aggravated human trafficking, subsection (c)(2)(B) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (B) rape, subsection (b)(2)(B) of section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (C) aggravated criminal sodomy, subsection (c)(2)(B)(ii) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (D) aggravated indecent liberties with a child, subsection (c)(2)(C)(ii) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (E) sexual exploitation of a child, subsection (b)(2)(B) of section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (F) promoting prostitution, subsection (b)(4) of section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or
- (G) an attempt, conspiracy or criminal solicitation, as defined in section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of any such felony.
- Sec. 10. K.S.A. 22-4603 is hereby amended to read as follows: 22-4603. (1) Whenever any able-bodied prisoner is confined in the county jail or the jail of any town or city, having been convicted of a misdemeanor or of a violation of an ordinance of such town or city, the sheriff of such county, or the marshal or the chief of police of such town or city, under the direction of the county commissioners or the governing body of the town or city, may eause allow such persons to work at suitable public or charitable employment for not to exceed more than eight hours on each working day.
 - (2) A person so employed shall be given credit at the rate of five dollars a day on

any fine and costs imposed upon him. receive a credit on any fine and costs imposed in an amount equal to \$5 for each full hour spent by the person in the specified work.

- (3) Persons held in jail and awaiting trial or held on civil process, may, with their consent, be likewise so employed and shall receive a credit on any fines and costs in an amount equal to \$5 for each full hour spent by the person in the specified work, or if there are no such fines and costs, compensation at the rate of five dollars a day for such employment in an amount agreed to by the person and the city or county, but not less than \$5 a day, to be paid by the city or the county.
- (4) Any prisoner employed as above provided, shall continue to be deemed prisoners during the hours of their employment and subject to all laws, rules and regulations relating to prisoners.
- Sec. 11. K.S.A. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:
- (a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 2007 2010 Supp. 38-2326, and amendments thereto.
- (b) "Criminal history record information" means<u>all</u> data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, and any supporting documentation. The term Criminal history record information does not include:
- (1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;
- (2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;
- (3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or
- (4) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.
- (c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:
- (1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers:
- (2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;
- (3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;
 - (4) the Kansas sentencing commission;
 - (5) the Kansas parole board; and
 - (6) the juvenile justice authority.
 - (d) "Criminal justice information system" means the equipment (including computer

hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

- (e) "Director" means the director of the Kansas bureau of investigation.
- (f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:
 - (1) The transmittal of such information within a criminal justice agency;
 - (2) the reporting of such information as required by this act; or
- (3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.
- (g) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.
- Sec. 12. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:
 - (1) Issuance of an arrest warrant;
 - (2) an arrest;
 - (3) release of a person after arrest without the filing of a charge;
 - (4) dismissal or quashing of an indictment or criminal information;
- (5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
 - (6) imposition of a sentence;
 - (7) commitment to a correctional facility, whether state or locally operated;
 - (8) release from detention or confinement;
 - (9) an escape from confinement;
- (10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (11) judgment of an appellate court that modifies or reverses the lower court decision:
- (12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
- (13) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.
- (b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.
- (c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.
 - (d) Reporting methods may include:
- (1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

- (2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or
- (3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.
- (e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.
- (f) The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.
- (g) Except as otherwise provided in this subsection, no court or criminal justice agency may assess fees or charges against the central repository for providing criminal history record information created prior to, on or after July 1, 2011. A court or criminal justice agency may assess a fee or charge against the central repository for providing criminal history record information if such court or criminal justice agency has previously provided such criminal history record information as required by law.
- Sec. 13. K.S.A. 2010 Supp. 38-2312, as amended by section 162 of 2011 House Bill No. 2339, is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.
- There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree, K.S.A. 21-3403, prior to its repeal. or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter, K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, capital murder, K.S.A. 21-3442, prior to its repeal, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, rape, K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the

- 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent solicitation of a child, K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, sexual exploitation, K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated incest, K.S.A. 21-3608, prior to its repeal, or subsection (a) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, endangering a child, K.S.A. 21-3608a, prior to its repeal, or subsection (b) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated endangering a child, K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, abuse of a child, or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.
- (c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.
- (e) (d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.
- (d) (e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:
- (A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;
- (B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and
 - (C) the circumstances and behavior of the petitioner warrant expungement.
 - (2) The court may require that all court costs, fees and restitution shall be paid.
- (e) (f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to

inspection by the person who is the subject of the files or records and the person's designees.

- (f) (g) Copies A certified copy of any order made pursuant to subsection (a) or (e) (d) shall be sent to each public officer and agency in the county having possession of any the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the officer or agency fails to comply with the order within a reasonable time after its receipt, the officer or such agency may be adjudged in contempt of court and punished accordingly.
- (g) (h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.
- (h) (i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.
- (i) (j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.
- (j) (k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:
 - (1) The person whose record was expunged:
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged:
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged:
- (5) a person entitled to such information pursuant to the terms of the expungement order:
- (6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission: or
 - (8) the Kansas sentencing commission-; or
 - (9) the Kansas bureau of investigation, for the purposes of:
 - (A) Completing a person's criminal history record information within the central

repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

- (B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.
- (1) The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.
- Sec. 14. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.
- (2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:
- (A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;
- (B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;
- (C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed:
- (D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;
- (E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;
- (F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or
- (G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson

county for felony crimes that occurred on or after July 1, 2002, but before January July 1, 2011 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on January July 1, 2011 2013.

- (4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.
- (5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.
- (b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.
- (2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.
- (3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.
- (4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:
 - (A) Efficiencies in the delivery of field supervision services;
 - (B) effectiveness and enhancement of existing interventions:
 - (C) identification of new interventions; and
 - (D) statewide performance indicators.
 - (5) The committee's report concerning enhanced or new interventions shall address:
 - (A) Goals and measurable objectives;
 - (B) projected costs;
 - (C) the impact on public safety; and
 - (D) the evaluation process.
 - (6) The committee shall submit its report to the secretary annually on or before July

- 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.
- Sec. 15. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as follows: 75-52,112. (a) As used in this section, "supervision success rate" means the percentage of those persons under supervision in a community corrections program whose supervision is not revoked and remanded to the custody of the department of corrections for imprisonment.
- (b) On and after July 1, 2007 2011, subject to the provision of appropriation acts, the secretary of corrections shall develop and implement a grant program with the goal of increasing public safety, reducing the risk of offenders on community supervision and reducing each community corrections program's revocations rate by at least 20% from such program's fiscal year 2006 revocation rate achieving and maintaining a supervision success rate of at least 75% or improving such rate by at least 3% from the previous year.
- (c) Any county or counties operating community correctional services may apply for the grant. The program shall give priority to a county or counties in which the revocation supervision success rate for offenders on community supervision is significantly higher lower than the statewide average, which target a higher percentage of revocation reductions supervision success rate than the required minimum of 20% or supervision success rate of 75% or 3% annual supervision success rate improvement or which target the successful reentry of offenders who are considered medium or high risk for revocation
- (b) (d) The secretary shall adopt grant requirements in accordance with this section. Proposals for grants under this program shall include, but not be limited to, provisions to:
- (1) Target offenders at medium and high risk for revocation utilizing risk assessment instruments approved by the secretary;
 - (2) reduce and specialize caseloads for community corrections officers;
- (3) provide the offenders with the needed supervision and services to improve such offenders' opportunity to successfully complete community correctional services programs, resulting in a reduction in revocations to prison. Such services may include, but not be limited to, employment training and placement, educational assistance, transportation and housing. Such services shall be evidence-based and address offenders' criminogenic risks, needs and responsivity characteristics;
 - (4) use an intermediate sanctions community supervision model;
- (5) provide staff training and skill development for community corrections officers in risk reduction and intervention. Such training and development shall be approved and certified by the secretary;
- (6) utilize treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders. For identified need areas, approved assessment and evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment and intervention;
 - (7) use gang intervention strategies;
 - (8) address safety concerns of the community;
 - (9) implement a method of tracking and reporting revocations;
 - (10) establish a goal of reducing the number of offenders, by a specified percentage,

whose supervision is revoked and the offender sentenced to prison by providing a plan to: (A) A plan to reduce the revocation rate for offenders on community supervision by at least 20% from such program's fiscal year 2006 revocations rate; (B) a plan to reduce the revocation rate at a percentage greater than the 20% minimum established to receive such grants; or Achieve and maintain a supervision success rate of at least 75% or improve such rate by at least 3% from the previous year; or (C) a plan which targets (B) target the successful reentry of offenders who are considered medium or high risk for revocation:

- (11) develop a specific accountability system for monitoring, tracking and utilizing the grant funds and to evaluate the effectiveness of the grant funds; and
- (12) develop a consistent set of policies that will guide judges and community corrections officers in the supervision and revocation of offenders on community corrections supervision.
- (e) (e) The department of corrections shall establish a date for achieving goals based upon implementation time-lines and goals specific to each grant, which may include an overall reduction or a reduction for a specifically targeted population.
- (d) (f) The department of corrections shall evaluate the programs which received a grant using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as such program was designed. Continued funding shall be contingent on the program meeting the established goals.
- (e) (g) The secretary shall prepare a report which states the number of programs receiving grants pursuant to this section, specifically identifying each program, summarizing the provisions of each program and the success of the program in reducing revocations. Such report shall be delivered to the governor, the secretary of the senate, the chief clerk of the house of representatives and the Kansas reentry policy council on or before the first day of the regular legislative session each year in which the grant program is funded.
- Sec. 16. Section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 74. (a) Sexual exploitation of a child is:
- (1) Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;
- (2) possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;
- (3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or
- (4) promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance.
 - (b) (1) Sexual exploitation of a child as defined in:
 - (A) Subsection (a)(2) or (a)(3) is a severity level 5, person felony; and
 - (B) subsection (a)(1) or (a)(4) is a severity level 5, person felony, except as

provided in subsection (b)(2).

- (2) Sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) or attempt, conspiracy or criminal solicitation to commit sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-grid person felony, when the offender is 18 years of age or older and the child is under 14 years of age.
- (c) If the offender is 18 years of age or older and the child is under 14 years of age, the provisions of:
- (1) Subsection (c) of section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of attempting to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);
- (2) subsection (c) of section 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and
- (3) subsection (d) of section 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a) (4).
 - (d) As used in this section:
- (1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;
- (2) "promoting" means procuring, transmitting, distributing, circulating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:
 - (A) For pecuniary profit; or
- (B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender or any other person:
- (3) "performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation;
- (4) "nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and
- (5) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.";

On page 9, following line 18, by inserting:

- "Sec. 18. Section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 244. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:
 - (1) Commit the defendant to the custody of the secretary of corrections if the

current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

- (2) impose the fine applicable to the offense and may impose the provisions of subsection (q);
- (3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;
- (4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;
- (5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;
- (6) assign the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (c) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant. if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in section 136 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;
- (9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

- (10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;
- (11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in subsection (i) of section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day;
- (12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto:
- (13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) and (12); or
 - (13) (14) suspend imposition of sentence in misdemeanor cases.
- (b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.
- (2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.
- (c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when

required by subsection (d) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

- (d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.
- (e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.
- (f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.
- (2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.
- (3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison

sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

- (g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto, or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.
- (h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.
- (i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.
 - (i) This section shall not deprive the court of any authority conferred by any other

Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

- (k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.
- (I) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:
- (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto: and
 - (2) otherwise meets admission criteria of the camp.
- If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by section 248 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.
- (n) Except as provided by subsection (f) of section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. For those offenders who are convicted on or after July 1, 2003, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.
- (o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled

substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

- (2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.
- (3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.
- (B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.
- (C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (4) As used in this subsection, "highway" and "street" means the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.
- (p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to section 1 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall require the defendant to undergo a domestic violence offender assessment and follow all recommendations unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence assessment and any other evaluation to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.
- (q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such recission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.
- Sec. 19. Section 249 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 249. (a) The court or the secretary of corrections may implement a house arrest program for defendants or inmates being sentenced by the court or in the custody of the secretary of corrections or as a sanction for offenders who have failed to comply with the conditions of probation, parole or postrelease supervision, except:
 - (1) No defendant shall be placed by the court under house arrest if found guilty of:
- (A) Any crime designated as a class A or B felony in article 34 or 35 of the Kansas Statutes Annotated, prior to their repeal;
- (B) subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto: of
- (C) section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
 - (D) any off-grid felony; or
 - (E) any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in

severity levels 1 through 3 of the drug grid, unless the offender has been sentenced to probation;

- (2) no inmate shall be placed under house arrest if such inmate's security status is greater than minimum security; or
- (3) no inmate shall be placed under house arrest who has been denied parole by the parole board within the last 6 months. Any inmate who, while participating in the house arrest program, is denied parole by the parole board shall be allowed to remain under house arrest until the completion of the sentence or until the inmate is otherwise removed from the program.
- (b) Prior to the At the time of placement of an inmate under house arrest, the court of secretary or house arrest staff shall provide written notification to the sheriff and district or county attorney of the county in which any person under house arrest is to be placed and to the chief law enforcement officer of any incorporated city or town in which such person is to be placed of the placement of the person under house arrest within the county or incorporated city or town.
- (c) House arrest sanctions shall be administered by the court and the secretary of corrections, respectively, through rules and regulations, and may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the inmate's liberty.
- (d) Upon placement in a house arrest program, the court, secretary or house arrest staff shall inform the offender, and any other people residing with such offender, of the nature and extent of such house arrest monitoring, and shall obtain the written agreement of such offender to comply with all requirements of the program.
- (e) The offender shall remain within the property boundaries of the offender's residence at all times during the term of house arrest, except as provided under the house arrest agreement with such offender.
- (f) The offender shall allow any law enforcement officer, community corrections officer, court services officer or duly authorized agent of the department of corrections, to enter such offender's residence at any time to verify the offender's compliance with the conditions of the house release.
- (g) As a condition of house arrest, the court or secretary may require an offender placed under house arrest to pay any supervision costs associated with the house arrest program.
 - (h) The offender shall consent to be monitored by:
 - (1) An electronic monitoring device on such offender's person:
 - (2) an electronic monitoring device in such offender's home;
 - (3) a remote blood alcohol monitoring device;
 - (4) a home telephone verification procedure;
 - (5) radio frequency devices; or
- (6) any combination of monitoring methods as the court, secretary or house arrest staff finds necessary.
- (i) The secretary or the court may contract for independent monitoring services. Such independent monitoring service shall be able to provide monitoring 24 hours a day, every day of the year, and any other services as determined by the secretary or the court.
 - (i) An offender violating the provisions of K.S.A. 8-1567, and amendments thereto,

if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

- (k) As used in this section:
- (1) "House arrest staff" means an independent contractor or government entity, and agents thereof, utilized by the secretary or court to administer the provisions of a house arrest program;
 - (2) "electronic monitoring device" means:
- (A) An active or passive global positioning system-enabled device capable of recording and transmitting an offender's location at all times or at designated intervals. Such monitoring device may record or transmit sound, visual images or other information regarding such offender's location, via wireless communication; or
 - (B) a radio frequency device capable of monitoring an offender's location; and
- (3) "remote alcohol monitoring device" means a device capable of monitoring an offender's blood alcohol content via micro fuel cell or deep lung tissue sample. Such monitoring devices shall be of comparable accuracy to roadside breath alcohol testing devices utilized by law enforcement, and shall have wireless or landline telephone transmission capabilities. Such device may be used in conjunction with an alcohol and drug-sensing bracelet to monitor such offender's compliance with the terms of house arrest.
- Sec. 20. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) and (e), (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.
- (2) Except as provided in subsections (b) and (e), (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
- (b) Except as provided in subsection (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision,

conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an offgrid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

- (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute:
- (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
- (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute:
- (4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;
- (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
- (6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;
- (7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
 - (8) a violation of K.S.A. 21-3405b, prior to its repeal.
- (c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:
- (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

- (8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed:
- (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;
- (18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation: or
- (19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.
- (d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.
- (d) (e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:
 - (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
 - (C) defendant's sex, race and date of birth;
 - (D) crime for which the defendant was arrested, convicted or diverted;
 - (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

- (2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.
- (3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.
- (e) (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:
- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
 - (2) the circumstances and behavior of the petitioner warrant the expungement;
 - (3) the expungement is consistent with the public welfare.
- (f) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:
- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
- (A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
- (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state:
- (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or

renewal of licensure by the commission;

- (E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof:
- (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
- (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;
- (J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- (K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto:
- (3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;
- (4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and
- (5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.
- (g) (h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.
- (h) (i) Subject to the disclosures required pursuant to subsection (f) (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.
- (i) (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and

incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense:
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission:
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
 - (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or

investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

- (14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- (15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto: or
- (16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act: or
 - (17) the Kansas bureau of investigation for the purposes of:
- (A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
- (B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.
- (k) The provisions of subsection (j)(17) shall apply to records created prior to, on and after July 1, 2011.
- Sec. 21. Section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

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	ı Se	592	442	221	152	122	04	30	19	15	11
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	- 4	653	493	247	172	136	46	34	23	17	13
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- (b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.
- (c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.
- (d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.
- (e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.
- (2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:
 - (A) Prison sentence;
 - (B) maximum potential reduction to such sentence as a result of good time; and
- (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.
 - (3) In presumptive nonprison cases, the sentencing court shall pronounce the:
 - (A) Prison sentence; and
 - (B) duration of the nonprison sanction at the sentencing hearing.
- (f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).
- (g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
- (h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
- (i) (l) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall

not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

- (2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto
- (3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.
- (2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:
- (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and
- (ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or
- (B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto: and
- (ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.
- (3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.
- (k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street

gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

- (2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:
 - (A) The commission of one or more person felonies; or
- (B) the commission of felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and
 - (C) its members have a common name or common identifying sign or symbol; and
- (D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.
- (1) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.
- (m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).
- (n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93

of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

- (q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:
- (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- (2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or
- (3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

- (r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.
- (2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and
- (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and_amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.";

Also on page 9, in line 19, by striking all following "K.S.A."; by striking all in line 20 and inserting:

"22-2501, 22-3001, 22-3601, 22-4603, 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4509, 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, 21-3516, 21-4619, 22-2410, 22-2410, as amended by section 114 of 2011 House Bill No. 2339, 22-2410, as amended by section 12 of 2011 Senate Bill No. 247, 22-2502, 22-2516, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-2802, as amended by section 13 of 2011 Senate Bill No. 247, 22-2807a, 38-2312, as amended by section 162 of 2011 House Bill No. 2339, 75-5291, 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and 75-52.112 and sections 184 and 249 of chapter 136 of the 2010 Session Laws of Kansas and section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 36 of 2011 Senate Bill No. 247, section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 38 of 2011 Senate Bill No. 247 are hereby repealed."

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in lines 2 through 6 and inserting:

"crimes, punishment and criminal procedure; relating to expunged records; petitions for relief; house arrest; electronic communications; warrants for interception and information; conditions of release and bond; grand juries; appeals; community corrections; sexual exploitation of a child; harassment by telecommunications device; amending K.S.A. 22-3001, 22-3601, 22-4603, 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4509, 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, 22-2410, 22-2502, 22-2516, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 38-2312, as amended by section 162 of 2011 House Bill No. 2339, 75-5291 and 75-52,112 and sections 184 and 249 of chapter 136 of the 2010 Session Laws of Kansas and section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of

Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and repealing the existing sections; also repealing K.S.A. 22-2501 and K.S.A. 2010 Supp. 21-3516, 21-4619, 22-2410, as amended by section 114 of 2011 House Bill No. 2339, 22-2410, as amended by section 12 of 2011 Senate Bill No. 247, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-2802, as amended by section 13 of 2011 Senate Bill No. 247, 22-2807a and 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 36 of 2011 Senate Bill No. 247, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 38 of 2011 Senate Bill No. 247.";

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

PAT COLLOTON
LANCE KINZER
MELODY McCray-Miller
Conferees on part of House
THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **H. Sub. for SB 55** was adopted.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Collins, Donohoe, Frownfelter, Gordon, Grosserode, Hildabrand, Kiegerl, Lane, McLeland, Powell, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Aurand, Rhoades.

EXPLANATION OF VOTE

Mr. Speaker: I vote no on **H. Sub. for SB 55**. This conference report, 95 pages in length, contained at least 15 bills, some of which had not passed either body before

being placed in this mega bill. Legislation made in haste with multiple topics that we have not given adequate time to thoroughly review, makes for a situation that may need to be undone the following session. I would rather get it right the first time than pass something that has flaws of which we can already see – the clunker bill comes to mind. It is certainly preferable to let bills stand alone, discussed on merit. – Lana Gordon, Brett Hildabrand, Joe McLeland, Amanda Grosserode

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 150** submits the following report:

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

On page 3, by striking all in lines 36 through 43;

On page 4, by striking all in lines 1 through 3;

And by renumbering remaining sections accordingly;

Also on page 4, in line 42, by striking "person registered to vote who"; in line 43, by striking "resides" and inserting "owner of land, as defined under this section,";

On page 7, by striking all in lines 6 through 8;

And by renumbering remaining subsections accordingly;

Also on page 7, in line 19, following the period, by creating a new paragraph;

On page 9, in line 3, by striking "a majority " and inserting "two-thirds of the members"; in line 6, by striking all after "ordinance."; by striking all in line 7; in line 8, by striking all before "When"; in line 18, after "annexation" by inserting "involving 40 acres or more"; in line 20, by striking "street"; in line 21, by striking "real estate" and inserting "qualified electors as defined in K.S.A. 12-519, and amendments thereto,"; also in line 21, by striking all after the period; in line 22, by striking "residing in the area proposed to be annexed, then"; in line 24, by striking "in the area proposed to be"; in line 25, by striking "annexed"; in line 26, by striking "residing in the area proposed to be annexed and"; in line 28, by striking all after "electors"; in line 29, by striking all before "reject"; in line 33, after "thereto." by inserting "If the area proposed to be annexed is less than 40 acres, then the board may render a judgment on the petition unless the board has previously granted three annexations of adjoining tracts within a 60-month period."; by striking all in line 43;

By striking all of pages 10 and 11;

On page 12, by striking all in lines 1 through 12 and inserting the following:

"Sec. 8. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) Five Three years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, five—three years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of

municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, and amendments thereto, if the services are not provided within $2^{+1}/2$ years of the date of the board's findings.

- (c) If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.
- Sec. 9. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within $2^{\pm l_2}$ 1½ years following the conclusion of the hearing required by K.S.A. 12-531, and amendments thereto, or, where there has been litigation relating to the hearing, $2^{\pm l_2}$ 1½ years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.
- (b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for one three year years from the effective date of the order without the written consent of the owner of the land.
- (c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the owner_city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.
- (d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

- (e) The board shall not order exclusion of any land if:
- (1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;
- (2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;
- (3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or
- (4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.
- (f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein
- (g) If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.":

On page 13, following line 30, by inserting the following:

"New Sec. 12. (a) If any land located within a fire district is annexed by a city and such land remains a part of the fire district beyond the current tax year, the owner of such land shall be entitled to a refund of all ad valorem taxes paid for fire service, including any tax levy for bond and interest payments from either the city or the fire district, whichever entity levies taxes for fire service against the land but does not provide such service.

- (b) Cities and fire districts shall establish procedures for landowners to obtain refunds of ad valorem property taxes as required by this section.
- Sec. 13. K.S.A. 2010 Supp. 19-214 is hereby amended to read as follows: 19-214. (a) Except as provided in subsection (b), in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of \$25,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.
- (b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; Θ (3) to the purchase of contracts of insurance; or (4) to the repair of any courthouse, jail or other county building or the repair or replacement of any such

building's equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to the provisions of subsection (a).";

Also on page 13, in line 32, after "Supp." by inserting "19-214 and";

On page 1, in the title, in line 1, by striking "boundaries" and inserting "certain municipalities"; in line 3, after "Supp." by inserting "19-214 and";

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

Steve Huebert
Joe Seiwert
Ann E. Mah
Conferees on part of House
Pete Brungardt
Roger P. Reitz
Oletha Faust-Goudeau
Conferees on part of Senate

On motion of Rep. Huebert, the conference committee report on ${\bf SB}$ 150 was adopted.

On roll call, the vote was: Yeas 105; Nays 17; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Colloton, S. Gatewood, Goodman, Henry, Kelly, Kuether, Loganbill, Meier, Peck, Ruiz, Schroeder, Slattery, Swanson, Tietze, Ward, K. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, Davis.

On motion of Rep. Siegfreid, the House recessed until 12:00 p.m.

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to House Rule 2311, **H. Sub. for SB 154** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Committee report recommending a substitute bill on H. Sub. for SB 154 was adopted.

H. Sub. for SB 154, AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None. Absent or not voting: Aurand. The substitute bill passed.

On motion of Rep. Siegfreid, the House recessed until 3:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2071; Sub. HB 2191 reported correctly engrossed May 11, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6031, HR 6032 reported correctly enrolled and properly signed May 11, 2011.

On motion of Rep. Siegfreid, the House adourned until 10:00 a.m., Thursday, May 12,2011.

Journal of the House

SIXTY-FIFTH DAY

Hall of the House of Representatives, Topeka, KS, Thursday, May 12, 2011, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 122 members present.

Reps. Hill and M. Holmes were excused on excused absence by the Speaker.

Present later: Reps. Hill, M. Holmes.

Prayer by Chaplain Brubaker:

Our Heavenly Father, I recently read how one might apply the principles of putting together a jigsaw puzzle to life and work. I pray these principles for our leaders today as they continue to wrap up the decisions of this session. Help them to not force a fit, if something is meant to be, it will come naturally. When things aren't going well, encourage them to take a break. Things will look different when they return to it. Help them to look at the big picture. If they allow themselves to get hung up on small pieces it will lead to their frustration. Remind them that perseverance pays off. Every important puzzle goes together piece by piece. And lastly, may they recognize that anything worth doing will take time and effort. In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Smith.

Kansas Trivia Question – Cartoonist Mort Walker, born in 1923 in El Dorado, has produced two popular syndicated comic strips. What are their names?

Answer: Hi & Lois and Beetle Bailey.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 55**.

The Senate adopts conference committee report on SB 150.

The Senate nonconcurs in House amendments to **H. Sub. for SB 154**, requests a conference and has appointed Senators McGinn, Vratil and Kelly as conferees on the part of the Senate.

Announcing passage of HB 2054, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2054**; **H. Sub. for SB 6**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brown, the House nonconcurred in Senate amendments to **HB 2054** and asked for a conference.

Speaker pro tem Vickrey thereupon appointed Reps. Brown, Suellentrop, and Slattery as conferees on the part of the House.

REPORT OF STANDING COMMITTEE

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

Request No. 176, by Representative Gordon, congratulating Blake Hopper on achieving the rank of Eagle Scout;

Request No. 177, by Representative D. Gatewood, congratulating Andrew S. Powell, of Troop 15, on achieving the rank of Eagle Scout;

Request No. 178, by Representative Meier, congratulating Joseph Alan Singletary on achieving the rank of Eagle Scout;

Request No. 179, by Representative Meier, congratulating Phillip Norbert Tracy on achieving the rank of Eagle Scout;

Request No. 180, by Representative Meier, congratulating Benjamin Rooney Richardson on achieving the rank of Eagle Scout;

Request No. 181, by Representative Meier, congratulating Adam James Munoz on achieving the rank of Eagle Scout;

Request No. 182, by Representative Gregory, congratulating Lindsay Frank on receiving First Place—Senior Group Exhibit, in the Kansas History Day State Competition;

Request No. 183, by Representative Gregory, congratulating Anna Stone on receiving First Place—Senior Group Exhibit, in the Kansas History Day State Competition;

Request No. 184, by Representative Tyson, congratulating Derek Brown for his perseverance, hard work and teamwork that resulted in winning the 2011 NIT National Basketball Championship;

Request No. 185, by Representative Hayzlett, honoring and congratulating Navy Petty Officer 3rd Class Peter Gould for receiving the Silver Star, while saving the life and possibly lives of fellow unit members:

Request No. 186, by Representative O'Brien, congratulating Jacob J. Franssen on achieving the rank of Eagle Scout;

Request No. 187, by Representative O'Brien, congratulating Aaron Michael Helm on being a 2011 West Point Graduate from Kansas;

Request No. 188, by Representative O'Brien, congratulating Heath Aaron Patrick on being a 2011 West Point Graduate from Kansas;

Request No. 189, by Representative O'Brien, congratulating Owen Michael Sill on being a 2011 West Point Graduate from Kansas;

Request No. 190, by Representative Hineman, commending Pete Bussen for his lifelong dedication to the archeologic and paleontologic history of northwest Kansas and his contributions of fossil specimens for museums throughout the United States;

Request No. 191, by Representative Gregory, congratulating Baldwin City High School in recognition for 3rd Place 2011 National Competition, Real World Design Challenge Team;

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

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

On motion of Rep. Siegfreid, the House recessed until 10:45 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 21** submits the following report:

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

On page 1, following line 7, by inserting:

"Section 1. K.S.A. 2010 Supp. 72-1046b is hereby amended to read as follows: 72-1046b. (a) As used in this section:

- (1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.
- (2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who (A) lives $\frac{10}{2} \frac{1}{12}$ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county. Shawnee county or Wyandotte county or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).
- (3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.

- (b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.
- (c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section shall be counted as regularly enrolled in and attending school in the district where the pupil is enrolled for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such non-resident pupil shall not be charged for the costs of attendance at school.";

And by renumbering sections accordingly;

On page 7, in line 7, by striking "budgetary and proprietary (real) accounts" and inserting "all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies"; in line 16, by striking "unliquidated obligations" and inserting "unencumbered cash balances, excluding state aid receivable"; in line 21, by striking all after "(g)"; in line 22, by striking "this section,"; in line 23, by striking all after "on"; in line 24, by striking all before the period and inserting "all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project";

On page 8, in line 12, after "Supp." by inserting "72-1046b,"; also in line 12, by striking "and" where it appears the first time;

On page 1, in the title, in line 3, after "Supp." by inserting "72-1046b,"; And your committee on conference recommends the adoption of this report.

Lana Gordon
Clay Aurand
Valdenia C. Winn
Conferees on part of House
Jean Kurtis Schodorf
John Vratil
Anthony Hensley
Conferees on part of Senate

On motion of Rep. Gordon to adopt the conference committee report on SB 21, Rep. Meier offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

The substitute motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Gordon, Aurand and Winn as second conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Reps. Rhoades, Kelley and Feuerborn as members of the conference committee on **H. Sub. for Sub. SB 127** to replace Reps. Schwab, Goico and Mah.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on S. Sub. for HB 2080.

On motion of Rep. Siegfreid, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Rep. Huebert as a member of the conference committee on **SB 21** to replace Rep. Aurand.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB** 6 submits the following report:

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

On page 1, following line 9, by inserting:

"New Section 1. (a) Notwithstanding any other provision of law, no professional licensing body shall suspend, deny, terminate or fail to renew the professional license of a licensee solely because such licensee has:

- (1) Been convicted of a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance, resolution or law prohibits the acts prohibited by that statute: or
- (2) entered into a diversion agreement in lieu of further criminal proceedings, or pleaded guilty or nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance or law prohibits the acts prohibited by that statute.
- (b) The licensing body may, after providing the licensee notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, determine how the violation described in subsection (a) will affect the licensee's professional license and may take any action authorized by law, including, but not limited to, alternative corrective measures in lieu of suspension, denial, termination or failure to renew the professional license of the licensee.

- (c) Nothing in this section shall be construed to limit the authority of the division of vehicles of the department of revenue to restrict, revoke, suspend or deny a driver's license or commercial driver's license.
 - (d) As used in this section:
- (1) "Licensee" means an individual who is or may be authorized to practice a profession in this state; and
- (2) "professional licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, certificate, permit or other authorization to an individual so authorized.
- New Sec. 2. On or before July 1, 2012, the director of the Kansas bureau of investigation shall adopt rules and regulations establishing: (a) Criteria for preliminary screening devices for testing of saliva for law enforcement purposes, based on health and performance considerations; and (b) a list of preliminary screening devices which are approved for testing of saliva for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto.
- New Sec. 3. There is hereby created in the state treasury the community corrections supervision fund. All moneys credited to the community corrections supervision fund shall be used for grants for community correctional services in accordance with K.S.A. 75-52,111, and amendments thereto, to implement the provisions of this act. All expenditures from the community corrections supervision fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary's designee.
- Sec. 4. K.S.A. 2010 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.
- (b) Any person licensed under the motor vehicle drivers' license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court *de novo* in accordance with the code of

civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

- (c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary thirty-day permit shall be the holder of a driver's license which is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle which is registered in this state shall be the holder of a class M driver's license, except that any person operating in this state a motorcycle which is registered under a temporary thirty-day permit shall be the holder of a driver's license for any class of motor vehicles.
- (d) No person shall drive any motorized bicycle upon a highway of this state unless: (1) Such person has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; (2) such person is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; or (3) such person has had their driving privileges suspended, for a violation other than a violation of K.S.A. <u>8-2,144,</u>8-1567 or 8-1567a, and amendments thereto, and has made application to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles.
 - (e) Violation of this section shall constitute a class B misdemeanor.
- Sec. 5. K.S.A. 2010 Supp. 8-262, as amended by section 88 of 2011 House Bill No. 2339, is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- (3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.
- (4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts prohibited by that statute those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or of a municipal any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by that statute those statutes, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of

sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

- (b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.
- (c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:
- (A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto:
- (B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
- (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in subsection (a)(3) of section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
- (D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.
- (2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
- (d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.
- Sec. 6. K.S.A. 8-285 is hereby amended to read as follows: 8-285. Except as otherwise provided in this section, as used in this act, the words and phrases defined in K.S.A. 8-234a, and amendments thereto, shall have the meanings ascribed to them therein. The term "habitual violator" means any resident or nonresident person who, within the immediately preceding five years, has been convicted in this or any other state:
 - (a) Three or more times of:

- (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or in section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with that statute:
- (2) violating K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute:
- (3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with those statutes;
- (4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;
- (5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications, or violating the provisions of a law of another state which is in substantial conformity with that statute;
- (6) any crime punishable as a felony, if a motor vehicle was used in the perpetration of the crime;
- (7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, any resolution of any county in this state or a law of another state which is in substantial conformity with those statutes; or
- (8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state; or a resolution of any county in this state which is in substantial conformity with such statute.
- (b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsection (a)(2), in addition to the definition of "conviction" otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of *nolo contendere*, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or law of another state, which ordinance or law prohibits the acts prohibited by that statute.

- Sec. 7. K.S.A. 2010 Supp. 8-2,142 is hereby amended to read as follows: 8-2,142. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:
 - (1) While operating a commercial motor vehicle:
 - (A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;
- (B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132, and amendments thereto;

- (C) the person is convicted of causing a fatality through the negligent operation of a commercial motor vehicle; Θ
 - (D) the person's test refusal or test failure, as defined in subsection (m); or
 - (E) the person is convicted of a violation identified in subsection (a)(2)(A); or
 - (2) while operating a noncommercial motor vehicle:
- (A) The person is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or of a violation of an ordinance of any city in this state, a resolution of any county in this state or any law of another state, which ordinance or law declares to be unlawful the acts prohibited by that statute; or
- (B) the person's test refusal or test failure, as defined in K.S.A. 8-1013, and amendments thereto; or
 - (3) while operating any motor vehicle:
 - (A) The person is convicted of leaving the scene of an accident; or
- (B) the person is convicted of a felony, other than a felony described in subsection (e), while using a motor vehicle to commit such felony.
- (b) If any offenses, test refusal or test failure specified in subsection (a) occurred in a commercial motor vehicle while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.
- (c) A person shall be disqualified for life upon the second or a subsequent occurrence of any offense, test refusal or test failure specified in subsection (a), or any combination thereof, arising from two or more separate incidents.
- (d) The secretary of revenue may adopt rules and regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than 10 years.
- (e) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.
- (f) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period. Any disqualification period under this paragraph shall be in addition to any other previous period of disqualification. The beginning date for any three-year period within a tenyear period, required by this subsection, shall be the issuance date of the citation which resulted in a conviction.
- (g) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person's driving privileges.
- (h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:
 - (A) Ninety days nor more than one year, if the driver is convicted of a first

violation of an out-of-service order;

- (B) one year nor more than five years if the person has one prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation; or
- (C) three years nor more than five years if the person has two or more prior convictions for violating out-of-service orders in separate incidents and such prior offenses were committed within the 10 years immediately preceding the date of the present violation.
- (2) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order while transporting a hazardous material required to be placarded under 49 U.S.C. §_5101 et seq. or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle for a period of not less than:
- (A) One hundred and eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service order; or
- (B) three years nor more than five years if the person has a prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation.
- (i) (1) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing shall be disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (2):
- (A) For persons who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;
- (B) for persons who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;
- (C) for persons who are always required to stop, failing to stop before driving onto the crossing:
- (D) for all persons failing to have sufficient space to drive completely through the crossing without stopping:
- (E) for all persons failing to obey a traffic control device or the directions of an enforcement official at the crossing; or
- (F) for all persons failing to negotiate a crossing because of insufficient undercarriage clearance.
- (2) A driver shall be disqualified from driving a commercial motor vehicle for not less than:
- (A) Sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation;
- (B) one hundred and twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or
- (C) one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.
- (j) After suspending, revoking or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver's privileges, the division shall

notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license within 10 days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, revocation or cancellation.

- (k) Upon receiving notification from the licensing authority of another state, that it has disqualified a commercial driver's license holder licensed by this state, or has suspended, revoked or canceled such commercial driver's license holder's commercial driver's license, the division shall record such notification and the information such notification provides on the driver's record.
- (l) Upon suspension, revocation, cancellation or disqualification of a commercial driver's license under this act, the license shall be immediately surrendered to the division if still in the licensee's possession. If otherwise eligible, and upon payment of the required fees, the licensee may be issued a noncommercial driver's license for the period of suspension, revocation, cancellation or disqualification of the commercial driver's license under the same identifier number.
- (m) As used in this section, "test refusal" means a person's refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; "test failure" means a person's submission to and completion of a test which determines that the person's alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.
- Sec. 8. K.S.A. 2010 Supp. 8-2,144 is hereby amended to read as follows: 8-2,144. (a) No person shall drive Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:
- (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more:
- (2) the alcohol concentration in the person's blood or breath, as measured within two three hours of the time of driving a commercial motor vehicle, is .04 or more; or
- (3) committing a violation of subsection (a) of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.
- (b) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.
- (e) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$1,500. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is

otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

- (d) On the third conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500. The person-convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court also requires as a condition of parole that such person enter into and complete a-treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
 - (b) (1) Driving a commercial motor vehicle under the influence is:
- (A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release:
- (B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum

sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

- (C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.
- (2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (c) Any person convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- (d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
 - (e) The court may establish the terms and time for payment of any fines, fees,

- assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (e) (h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (f) (i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto: and (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- (j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.
- (2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.
- (3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (l) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of

investigation central repository all criminal history record information concerning such person.

- (2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.
- (m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.
- (n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
- (o) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:
- (1) "Conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits;
- (2) any convictions occurring during a person's lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third or subsequent offender; and
- (3) it is irrelevant whether an offense occurred before or after conviction for a previous offense.
 - (g) (p) For the purpose of this section:
- (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath-:
- (2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
- (3) "drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.
- (q) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.";

And by renumbering sections accordingly;

On page 3, in line 21, by striking all following "by" and inserting ": (1) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall";

On page 6, following line 20, by inserting:

- "Sec. 10. K.S.A. 8-1008 is hereby amended to read as follows: 8-1008. (a) As used in this section, "provider" means: (1) A professional licensed by the behavioral sciences regulatory board to diagnose and treat mental or substance use disorders at the independent level who is compliant with the requirements set forth by the secretary of social and rehabilitation services as described in subsection (f); or (2) a professional licensed by the behavioral sciences regulatory board who is working in an alcohol and drug treatment facility licensed by the secretary of social and rehabilitation services as meeting the requirements described in subsection (f).
- (a) (b) Community-based alcohol and drug safety action programs certified in accordance with subsection (b) A provider shall provide:
- (1) Presentence Alcohol and drug evaluations, prior to sentencing, of any person who is convicted of a violation of K.S.A. <u>8-2,144 or</u> 8-1567, and amendments thereto, or the ordinance of a city <u>or resolution of a county</u> in this state which prohibits the acts prohibited by that statute; those statutes; and
- (2) supervision and monitoring of all persons who are convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, and whose sentences or terms of probation require completion of an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section;
- (3) (2) alcohol and drug evaluations of persons whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute;
- (4) supervision and monitoring of persons required, under a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, to complete an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section; or
 - (5) any combination of (1), (2), (3) and (4).
- (b) (c) The presentence alcohol and drug evaluation shall be conducted by a community-based alcohol and drug safety action program certified in accordance with the provisions of this subsection to provide evaluation and supervision services as described in subsections (c) and (d). A community-based alcohol and drug safety action program shall be certified either by the chief judge of the judicial district to be served by the program or by the secretary of social and rehabilitation services for judicial districts in which the chief judge declines to certify a program. In addition to any qualifications established by the secretary, the chief judge may establish qualifications for the certification of programs, which qualifications may include requirements for training, education and certification of personnel; supervision and monitoring of clients; fee reimbursement procedures; handling of conflicts of interest; delivery of services to clients unable to pay; and other matters relating to quality and delivery of services by the program. In establishing the qualifications for programs, the chief judge or the secretary shall give preference to those programs which have had practical experience prior to July 1, 1982, in diagnosis and referral in alcohol and drug abuse. Certification

of a program by the chief judge shall be done with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If within 60 days after the effective date of this act the chief judge declines to certify any program for the judicial district, the judge shall notify the secretary of social and rehabilitation services, and the secretary of social and rehabilitation services shall certify a community-based alcohol and drug safety action program for that judicial district. The certification shall be for a four-year period. Recertification of a program or certification of a different program shall be by the chief judge, with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If upon expiration of certification of a program there will be no certified program for the district and the chief judge declines to recertify or certify any program in the district. the judge shall notify the secretary of social and rehabilitation services, at least six months prior to the expiration of certification, that the judge declines to recertify or certify a program under this subsection. Upon receipt of the notice and prior to the expiration of certification, the secretary shall recertify or certify a community-based alcohol and drug safety action program for the judicial district for the next four-year period. To be eligible for certification under this subsection, the chief judge or the secretary of social and rehabilitation services shall determine that a community-based alcohol and drug safety action program meets the qualifications established by the judge or secretary and is A provider shall be capable of providing, within the judicial district: (1) The evaluations, supervision and monitoring required under subsection (a) (b); (2) the alcohol and drug evaluation report required under subsection (e) or (d) or (e); (3) the follow-up duties specified under subsection (e) or (d) or (e) for persons who prepare the alcohol and drug evaluation report; and (4) any other functions and duties specified by law. Community-based alcohol and drug safety action programs The secretary of social and rehabilitation services shall provide each judicial district with an electronic list of providers, and such list shall be used when selecting a provider to be used as described in subsections (d) and (e). The secretary of social and rehabilitation services shall also make all such lists of providers publicly available on the official website of the department of social and rehabilitation services. Any provider performing services in any judicial district under this section prior to the effective date of this act July 1, 2011, may continue to perform those services until a community-based alcohol and drug safety action program is certified for that judicial district July 1, 2012.

(e) (d) A presentence Prior to sentencing, an alcohol and drug evaluation shall be conducted on any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute those statutes. The presentence alcohol and drug evaluation report shall be made available to and shall be considered by the court prior to sentencing. The presentence alcohol and drug evaluation report shall contain a history of the defendant's prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the defendant to education and rehabilitation. The presentence alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the defendant. The presentence alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the

presentence alcohol and drug evaluation report may also include appearing atsentencing and probation hearings in accordance with the orders of the court,
monitoring defendants in the treatment programs, notifying the probation department
and the court of any defendant failing to meet the conditions of probation or referrals to
treatment, appearing at revocation hearings as may be required and providing assistance
and data reporting and program evaluation. The court shall order that cost of any
alcohol and drug education, rehabilitation and treatment programs evaluation for any
person shall be paid by such person, and such costs shall include, but not be limited to,
the assessments required by subsection (e). If financial obligations are not met or cannot
be met, the sentencing court shall be notified for the purpose of collection or review and
further action on the defendant's sentence to the provider at the time of service, and
shall not exceed \$150.

(d) (e) An alcohol and drug evaluation shall be conducted on any person whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute. The alcohol and drug evaluation report shall be made available to the prosecuting attorney and shall be considered by the prosecuting attorney. The alcohol and drug evaluation report shall eontain a history of the person's prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the person to education and rehabilitation. The alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the person. The alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the alcohol and drug evaluation report may also include monitoring persons in the treatment programs, notifying the prosecutor and the court of any person failing to meet the conditions of diversion or referrals to treatment, and providing assistance and data reporting and programevaluation. The cost of any alcohol and drug education, rehabilitation and treatment programs evaluation for any person shall be paid by such person, and such costs shall include, but not be limited to, the assessments required by subsection (e) to the provider at the time of service, and shall not exceed \$150.

(e) In addition to any fines, fees, penalties or costs levied against a person who is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, or who enters a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of that statute or such an ordinance, \$150 shall be assessed against the person by the sentencing court or under the diversion agreement. The \$150 assessment may be waived by the court, in whole or in part, or, in the case of diversion of criminal-proceedings, by the prosecuting attorney, if the court or prosecuting attorney finds that the defendant is an indigent person. Except as otherwise provided in this subsection, the clerk of the court shall deposit all assessments received under this section in the alcohol and drug safety action fund of the court, which fund shall be subject to the-administration of the judge having administrative authority over that court. If the secretary of social and rehabilitation services certifies the community-based alcohol and drug safety action program for the judicial district in which the court is located, the

elerk of the court shall remit, during the four-year period for which the program is certified, 15% of all assessments received under this section to the secretary of social and rehabilitation services. Moneys credited to the alcohol and drug safety action fund shall be expended by the court, pursuant to vouchers signed by the judge having administrative authority over that court, only for costs of the services specified by subsection (a) or otherwise required or authorized by law and provided by community-based alcohol and drug safety action programs, except that not more than 10% of the money credited to the fund may be expended to cover the expenses of the court involved in administering the provisions of this section. In the provisions of this section. The district or municipal judge having administrative authority over that court shall compile a report and send such report to the office of the state judicial-administrator on or before January 20 of each year, beginning January 20, 1991. Such report shall include, but not be limited to:

- (1) The balance of the alcohol and drug safety action fund of the court on-December 31 of each year;
- (2) the assessments deposited into the fund during the 12-month period ending the preceding December 31; and
- (3) the dollar amounts expended from the fund during the 12-month period ending the preceding December 31.

The office of the state judicial administrator shall compile such reports into a statewide report and submit such statewide report to the legislature on or before March 1 of each year.

- (f) The secretary of social and rehabilitation services shall remit all moneys-received by the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the eredit of the certification of community-based alcohol and drug safety action programs fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants issued pursuant to vouchers approved by the secretary of social and rehabilitation services or a person designated by the secretary.
- (f) All alcohol and drug evaluations conducted pursuant to this section shall utilize a standardized substance use evaluation approved by the secretary of social and rehabilitation services and be submitted in a format approved by the secretary of social and rehabilitation services. On or before July 1, 2012, the secretary of social and rehabilitation services shall promulgate rules and regulations to implement this section.
- Sec. 11. K.S.A. 8-1009 is hereby amended to read as follows: 8-1009. (a) Upon the filing of a first complaint, indictment or information alleging a person has violated K.S.A. 8-1567, and amendments thereto, when the acts prohibited by K.S.A. 8-1567, and amendments thereto, occur concurrently with any such alleged violation, or a county resolution which prohibits the acts prohibited by that statute, and prior to conviction thereof, the district attorney or county attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.
- (b) Upon the filing of a first complaint, citation or notice to appear alleging a person has violated a city ordinance which prohibits the acts prohibited by K.S.A. 8-

- 1567, and amendments thereto, and prior to conviction thereof, the city attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.
- Sec. 12. K.S.A. 2010 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection (b).
- (b) A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath to determine the alcohol concentration of the person's breath or saliva, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- (c) At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.
- (d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.
- (e) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's saliva shall be conducted with a device approved pursuant to section 2, and amendments thereto.
- Sec. 13. K.S.A. 2010 Supp. 8-1013 is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through 8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018, and amendments thereto, and this section:
- (a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (b) (1) "Alcohol or drug-related conviction" means any of the following: (A) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a

county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. <u>8-2,144 or 8-1567</u>, and amendments thereto, or would constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

- (2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) "Alcohol or drug-related conviction" also includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (b)(1), including a diversion agreement entered into prior to the effective date of this act; and (B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.
 - (c) "Division" means the division of vehicles of the department of revenue.
- (d) "Ignition interlock device" means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.
- (e) "Occurrence" means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective day of this act.
- (f) "Other competent evidence" includes: (1) Alcohol concentration tests obtained from samples taken two three hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.
- (g) "Samples" includes breath supplied directly for testing, which breath is not preserved.
- (h) "Test failure" or "fails a test" refers to a person's having results of a test administered pursuant to this act, other than a preliminary screening test, which show an alcohol concentration of .08 or greater in the person's blood or breath, and includes failure of any such test on a military reservation.
- (i) "Test refusal" or "refuses a test" refers to a person's failure to submit to or complete any test of the person's blood, breath, urine or other bodily substance, other than a preliminary screening test, in accordance with this act, and includes refusal of any such test on a military reservation.
- (j) "Law enforcement officer" has the meaning provided by K.S.A. 21-3110-section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 8-1567, and amendments thereto, if committed off a military reservation in this state.";

And by renumbering sections accordingly:

Also on page 6, in line 43, by striking "permanently" and inserting "for 10 years";

On page 7, by striking all in line 8; in line 9, by striking all before the semicolon and inserting "as provided in subsection (b) of K.S.A. 8-1015, and amendments thereto"; in line 25, by striking "permanently" and inserting "for 10 years";

On page 8, in line 7, by striking "permanently" and inserting "for 10 years"; following line 25 by inserting:

"(3) Whenever a person's driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device for 10 years under this section,

such person may petition any district court for relief from such restriction after five years of such restriction have been served. The court shall consider, but not be limited to, whether: (A) Such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court; and (B) such person proves installation, maintenance and use of an ignition interlock device approved by the division throughout the five-year period. If the court finds that the person's driving privileges should be restored, then the court shall electronically report such order to the division. The division, upon receiving such order, shall restore such person's driving privileges, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.";

On page 11, following line 13, by inserting:

- "(b) (1) On and after July 1, 2011, through June 30, 2015:
- (A) Except as provided in subsection (b)(1)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for 180 days to driving only a motor vehicle equipped with an ignition interlock device.
- (B) When a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously: (A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted of a violation of K.S.A. 41-727, and amendments thereto; (C) been convicted of any violations listed in subsection (a) of K.S.A. 8-285, and amendments thereto; (D) been convicted of three of more moving traffic violations committed on separate occasions within a 12-month period; or (E) had such person's driving privileges revoked, suspended, canceled or withdrawn.
 - (2) On and after July 1, 2015:
- (A) Except as provided in subsection (b)(2)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments thereto.
- (B) In lieu of the restrictions set out in subsection (b)(2)(A), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person's driving privileges to driving only a motor vehicle equipped with an ignition interlock device.";

And by redesignating subsections accordingly;

Also on page 11, in line 14, before "when", by inserting "Except as provided in subsection (b),":

On page 12, in line 12, by striking "\$59" and inserting "\$100"; in line 18, after "fund" by inserting "until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund. On and after an aggregate amount of \$100,000 is credited to such fund the entire amount of such remittance shall be credited to the community corrections supervision fund created by section 3, and amendments thereto";

Also on page 12, by striking all in lines 26 through 43;

By striking all on pages 13 through 21;

On page 22, by striking all in lines 1 through 29 and inserting:

- "Sec. 16. K.S.A. 8-1017 is hereby amended to read as follows: 8-1017. (a) No person shall:
- (1) Tamper with an ignition interlock device for the purpose of circumventing it or rendering , circumvent it or render it inaccurate or inoperative;
- (2) request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;
- (3) blow into an <u>ignition interlock device</u>, or start a motor vehicle equipped with an ignition interlock device for the purpose of such device, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
- (4) operate a vehicle not equipped with an ignition interlock device during the restricted period while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.
 - (b) Violation of this section is a class A, nonperson misdemeanor.
- (c) In addition to any other penalties provided by law, upon receipt of a conviction for a violation of this section, the division shall suspend the person's driving privileges for a period of two years.
- (1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and
- (B) on a second or subsequent conviction of a violation of subsection (a)(1) or (a) (2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and
- (2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.
- Sec. 17. K.S.A. 2010 Supp. 8-1020 is hereby amended to read as follows: 8-1020. (a) Any licensee served with an officer's certification and notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto, may request an administrative hearing. Such request may be made either by:
- (1) Mailing a written request which is postmarked 14 days after service of notice; or
- (2) transmitting a written request by electronic facsimile which is received by the division within 14 days after service of notice.
- (b) If the licensee makes a timely request for an administrative hearing, any temporary license issued pursuant to K.S.A. 8-1002, and amendments thereto, shall remain in effect until the 30th day after the effective date of the decision made by the division
- (c) If the licensee fails to make a timely request for an administrative hearing, the licensee's driving privileges shall be suspended or suspended and then restricted in accordance with the notice of suspension served pursuant to K.S.A. 8-1002, and amendments thereto.
- (d) (1) Upon receipt of a timely request for a hearing, the division shall forthwith set the matter for hearing before a representative of the director and provide notice of the extension of temporary driving privileges. The hearing shall be held by telephone

conference call unless the hearing request includes a request that the hearing be held in person before a representative of the director. The officer's certification and notice of suspension shall inform the licensee of the availability of a hearing before a representative of the director. Except for a hearing conducted by telephone conference call, the hearing shall be conducted in the county where the arrest occurred or a county adjacent thereto.

- (2) The division shall charge a fee of \$50 for a hearing, whether held by telephone or in person, to be applied by the division for administrative costs to conduct the hearing. The division shall remit all hearing fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. The hearing fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such hearing. 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.
- (e) Except as provided in subsection (f), prehearing discovery shall be limited to the following documents, which shall be provided to the licensee or the licensee's attorney no later than seven days prior to the date of hearing:
 - (1) The officer's certification and notice of suspension;
- (2) in the case of a breath or blood test failure, copies of documents indicating the result of any evidentiary breath or blood test administered at the request of a law enforcement officer:
- (3) in the case of a breath test failure, a copy of the affidavit showing certification of the officer and the instrument; and
- (4) in the case of a breath test failure, a copy of the Kansas department of health and environment testing protocol checklist.
- (f) At or prior to the time the notice of hearing is sent, the division shall issue an order allowing the licensee or the licensee's attorney to review any video or audio tape record made of the events upon which the administrative action is based. Such review shall take place at a reasonable time designated by the law enforcement agency and shall be made at the location where the video or audio tape is kept. The licensee may obtain a copy of any such video or audio tape upon request and upon payment of a reasonable fee to the law enforcement agency, not to exceed \$25 per tape.
- (g) Witnesses at the hearing shall be limited to the licensee, to any law enforcement officer who signed the certification form and to one other witness who was present at the time of the issuance of the certification and called by the licensee. The presence of the certifying officer or officers shall not be required, unless requested by the licensee at the time of making the request for the hearing. The examination of a law enforcement officer shall be restricted to the factual circumstances relied upon in the officer's certification.
- (h) (1) If the officer certifies that the person refused the test, the scope of the hearing shall be limited to whether:
- (A) A law enforcement officer had reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

- (B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
- (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 person refused to submit to and complete a test as requested by a law enforcement officer.
- (2) If the officer certifies that the person failed a breath test, the scope of the hearing shall be limited to whether:
- (A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;
- (B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
- (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;
- (D) the testing equipment used was certified by the Kansas department of health and environment:
- (E) the person who operated the testing equipment was certified by the Kansas department of health and environment;
- (F) the testing procedures used substantially complied with the procedures set out by the Kansas department of health and environment:
- (G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's breath; and
 - (H) the person was operating or attempting to operate a vehicle.
- (3) If the officer certifies that the person failed a blood test, the scope of the hearing shall be limited to whether:
- (A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;
- (B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;
- (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;
 - (D) the testing equipment used was reliable:
 - (E) the person who operated the testing equipment was qualified;
 - (F) the testing procedures used were reliable;
- (G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's blood; and
 - (H) the person was operating or attempting to operate a vehicle.
- (i) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, an affidavit of the custodian of records at the Kansas department of health and environment stating that the breath testing device was certified and the

operator of such device was certified on the date of the test shall be admissible into evidence in the same manner and with the same force and effect as if the certifying officer or employee of the Kansas department of health and environment had testified in person. A certified operator of a breath testing device shall be competent to testify regarding the proper procedures to be used in conducting the test.

- (j) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, in which the report of blood test results have been prepared by the Kansas bureau of investigation or other forensic laboratory of a state or local law enforcement agency are to be introduced as evidence, the report, or a copy of the report, of the findings of the forensic examiner shall be admissible into evidence in the same manner and with the same force and effect as if the forensic examiner who performed such examination, analysis, comparison or identification and prepared the report thereon had testified in person.
- (k) At the hearing, the licensee has the burden of proof by a preponderance of the evidence to show that the facts set out in the officer's certification are false or insufficient and that the order suspending or suspending and restricting the licensee's driving privileges should be dismissed.
 - (1) Evidence at the hearing shall be limited to the following:
 - (1) The documents set out in subsection (e);
 - (2) the testimony of the licensee;
 - (3) the testimony of any certifying officer;
- (4) the testimony of any witness present at the time of the issuance of the certification and called by the licensee;
 - (5) any affidavits submitted from other witnesses;
- (6) any documents submitted by the licensee to show the existence of a medical condition, as described in K.S.A. 8-1001, and amendments thereto; and
- (7) any video or audio tape record of the events upon which the administrative action is based.
- (m) After the hearing, the representative of the director shall enter an order affirming the order of suspension or suspension and restriction of driving privileges or for good cause appearing therefor, dismiss the administrative action. If the representative of the director enters an order affirming the order of suspension or suspension and restriction of driving privileges, the suspension or suspension and restriction shall begin on the 30th day after the effective date of the order of suspension or suspension and restriction. If the person whose privileges are suspended is a nonresident licensee, the license of the person shall be forwarded to the appropriate licensing authority in the person's state of residence if the result at the hearing is adverse to such person or if no timely request for a hearing is received.
- (n) The representative of the director may issue an order at the close of the hearing or may take the matter under advisement and issue a hearing order at a later date. If the order is made at the close of the hearing, the licensee or the licensee's attorney shall be served with a copy of the order by the representative of the director. If the matter is taken under advisement or if the hearing was by telephone conference call, the licensee and any attorney who appeared at the administrative hearing upon behalf of the licensee each shall be served with a copy of the hearing order by mail. Any law enforcement officer who appeared at the hearing also may be mailed a copy of the hearing order. The effective date of the hearing order shall be the date upon which the hearing order is

served, whether served in person or by mail.

- (o) The licensee may file a petition for review of the hearing order pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition for review, the licensee shall serve the secretary of revenue with a copy of the petition and summons. Upon receipt of a copy of the petition for review by the secretary, the temporary license issued pursuant to subsection (b) shall be extended until the decision on the petition for review is final.
- (p) Such review shall be in accordance with this section and the <u>Kansas judicial review</u> act for judicial review and civil enforcement of agency actions. To the extent that this section and any other provision of law conflicts, this section shall prevail. The petition for review shall be filed within 14 days after the effective date of the order. Venue of the action for review is the county where the person was arrested or the accident occurred, or, if the hearing was not conducted by telephone conference call, the county where the administrative proceeding was held. The action for review shall be by trial de novo to the court and the evidentiary restrictions of subsection (I) shall not apply to the trial de novo. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner's driving privileges are subject to suspension or suspension and restriction under the provisions of this act. If the court finds that the grounds for action by the agency have been met, the court shall affirm the agency action.
- (q) Upon review, the licensee shall have the burden to show that the decision of the agency should be set aside.
- (r) Notwithstanding the requirement to issue a temporary license in K.S.A. 8-1002, and amendments thereto, and the requirements to extend the temporary license in this section, any such temporary driving privileges are subject to restriction, suspension, revocation or cancellation as provided in K.S.A. 8-1014, and amendments thereto, or for other cause.
- (s) Upon motion by a party, or on the court's own motion, the court may enter an order restricting the driving privileges allowed by the temporary license provided for in K.S.A. 8-1002, and amendments thereto, and in this section. The temporary license also shall be subject to restriction, suspension, revocation or cancellation, as set out in K.S.A. 8-1014, and amendments thereto, or for other cause.
- (t) The facts found by the hearing officer or by the district court upon a petition for review shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension or suspension and restriction to be imposed under this section.
- (u) All notices affirming or canceling a suspension under this section, all notices of a hearing held under this section and all issuances of temporary driving privileges pursuant to this section shall be sent by first-class mail and a United States post office certificate of mailing shall be obtained therefor. All notices so mailed shall be deemed received three days after mailing, except that this provision shall not apply to any licensee where such application would result in a manifest injustice.
- (v) The provisions of K.S.A. 60-206, and amendments thereto, regarding the computation of time shall be applicable in determining the time for requesting an administrative hearing as set out in subsection (a) and to the time for filing a petition for review pursuant to subsection (o) and K.S.A. 8-259, and amendments thereto.

- Sec. 18. K.S.A. 2010 Supp. 8-1022 is hereby amended to read as follows: 8-1022. (a) It shall be unlawful for the owner of a motor vehicle to allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014, and amendments thereto.
- (b) Violation of this section is an unclassified misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000. In addition to the fine imposed upon a person convicted of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs. Prior to ordering the impoundment or immobilization of any such motor vehicle, the court shall consider the factors established in subsection (k)(3) (g) of K.S.A. 8-1567, and amendments thereto. Any personal property in a vehicle impounded or immobilized pursuant to this section may be retrieved prior to or during the period of such impoundment or immobilization.
- Sec. 19. K.S.A. 2010 Supp. 8-1567 is hereby amended to read as follows: 8-1567.
 (a) No person shall operate or attempt Driving under the influence is operating or attempting to operate any vehicle within this state while:
- (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;
- (2) the alcohol concentration in the person's blood or breath, as measured within two three hours of the time of operating or attempting to operate a vehicle, is .08 or more:
- (3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
- (5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle-; or
- (b) (6) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (e) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) (b) (1) Upon a first conviction of a violation of this section, a person shall be guilty of Driving under the influence is:
- (A) On a first conviction a class B, nonperson misdemeanor and. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$500,\$750 nor more than \$1,000. The person convicted must shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment;

In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(e) (B) on a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and . The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 \$1,250 nor more than \$1,500 \$1,750. The person convicted must shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(f) (1) (C) on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1.750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The

person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours;

(D) on the a third conviction of a violation of this section, a person shall be guilty of a nonperson felony and if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours; and

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The personshall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the eustody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails tomeaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable forconfinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for

all transportation expenses to and from the state correctional facility.

The court shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto.

(g) (1) (E) on the a fourth or subsequent conviction of a violation of this section, a person shall be guilty of a nonperson felony and. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704 section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available: (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility-;

At the time of the filing of the judgment form or journal entry as required by K.S.A.

21-4620 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and notify the secretary of corrections when the term of imprisonment expires and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the secretary. After the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drugabuse, including, but not limited to, an approved aftercare plan or mental healthcounseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717, and amendments thereto. Any violation of the conditions of such postrelease supervision may subject such person to revocation of postrelease supervision pursuant to K.S.A. 75-5217 et seq., and amendments thereto and as otherwise provided by law.

- (3) In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or section 280 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a department of social and rehabilitation services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the social and rehabilitation services department designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in iail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.
- (4) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in

accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

- (h) (c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- (d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (i) (e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (j) (f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (k) (g) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a first conviction of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.
- (2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.
- (3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:
- (A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and
- (B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.
- (4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

- (5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.
- (l) (1) Except as provided in paragraph (3), in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this section, the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded orimmobilized for a period of two years. The convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock-device and all towing, impoundment and storage fees or other immobilization costs.
- (2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
- (3) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than two years from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.
- (m) (1) (h) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the : (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (2) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the ; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (n) (i) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings $order{r}$ on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (o)_(j) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:
- (1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;
- (2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;
- (3) any convictions occurring during a person's lifetime only convictions occurring on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;
- (4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

- (5) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.
- (p) (k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto
- (q) (1) (A) (l) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof. Except as specifically provided by this subsection.
- (2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this aet section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.
- (B) (3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.
- (C) (4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. Except as provided in paragraph (5).
- (5) Any such ordinance or resolution may require or authorize the court to order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs in accordance with subsection (g).
- (2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.
- (3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:
- (A) Whether the impoundment or immobilization of the motor vehicle would-result in the loss of employment by the convicted person or a member of such person's family; and
- (B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.
- (4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
 - (5) As used in this subsection, the convicted person's motor vehicle or vehicles

shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

- (f) (m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the : (A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (2) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the ; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.
- (3) (2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.
- (s) (n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.
- (t) (o) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.
- (u) (p) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.
- (v) (q) For the purpose of As used in this section: (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.;
- (2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city—: and
- (3) "drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.
- (w) (r) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of

the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

- (2) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.
- (x) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre-sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008, and amendments thereto. Such pre-sentence evaluation shall be made available, and shall be considered by the sentencing court.";

And by renumbering sections accordingly;

On page 23, following line 26, by inserting:

- "Sec. 21. K.S.A. 12-4414 is hereby amended to read as follows: 12-4414. (a) Except as provided in K.S.A. 8-1567, and amendments thereto, after a complaint has been filed charging a defendant with violation of an alcohol or drug related offense and prior to conviction thereof, and after the city attorney has considered the factors listed in K.S.A. 12-4415, and amendments thereto, if it appears to the city attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the city attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the city attorney in accordance with K.S.A. 12-4416, and amendments thereto.
- (b) Each city attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with K.S.A. 8-1009; and 12-4412 to 12-4417 and 22-3609, inclusive, and amendments thereto. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.
- (c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the city attorney. The city attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the city attorney.
- Sec. 22. K.S.A. 12-4415 is hereby amended to read as follows: 12-4415. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the city attorney shall consider at least the following factors among all factors considered:
 - (1) The nature of the crime charged and the circumstances surrounding it;
 - (2) any special characteristics or circumstances of the defendant;
- (3) whether the defendant is a first-time offender of an alcohol related offense and if the defendant has previously participated in diversion, according to the certification

of the division of vehicles of the state department of revenue;

- (4) whether there is a probability that the defendant will cooperate with and benefit from diversion;
- (5) whether the available diversion program is appropriate to the needs of the defendant;
 - (6) the impact of the diversion of the defendant upon the community;
 - (7) recommendations, if any, of the involved law enforcement agency;
 - (8) recommendations, if any, of the victim;
 - (9) provisions for restitution; and
 - (10) any mitigating circumstances.
- (b) A city attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an alcohol related offense if the defendant:
 - (1) Has previously participated in diversion of an alcohol related offense;
- (2) has previously been convicted of or pleaded *nolo contendere* to an alcohol related offense in this state or has previously been convicted of or pleaded *nolo contendere* to a violation of K.S.A. <u>8-2,144 or 8-1567</u>, and amendments thereto or of a law of another state, or of a political subdivision thereof, which prohibits the acts prohibited by that statute those statutes; or
- (3) during the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.
- Sec. 23. K.S.A. 12-4416 is hereby amended to read as follows: 12-4416. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the city attorney, the city attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. The diversion agreement shall state:
 - (1) The defendant's full name;
- (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name;
 - (3) the defendant's sex, race and date of birth;
 - (4) the crime with which the defendant is charged;
 - (5) the date the complaint was filed: and
 - (6) the municipal court with which the agreement is filed.
- (b) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging an alcohol related offense, the diversion agreement shall include a stipulation, agreed to by the defendant and the city attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement

shall include a requirement that the defendant:

- (1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, consonant with K.S.A. 8-1567, and amendments thereto; and
- (2) enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto, and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto: participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.
- (c) If the person entering into a diversion agreement is a nonresident, the city attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.
- (d) If the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the municipal court and the municipal court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the municipal court shall resume the criminal proceedings on the complaint.
- (e) The city attorney shall forward to the division of vehicles of the state department of revenue a copy of the diversion agreement at the time such agreement is filed with the municipal court. The copy of the agreement shall be made available upon request to any county, district or city attorney or court.
- Sec. 24. K.S.A. 2010 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsection (b) of (c) and (d), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:
 - (A) Satisfied the sentence imposed; or
 - (B) was discharged from probation, parole or a suspended sentence.
- (2) Except as provided in subsection (b) of (c) and (d), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
- (b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:
- (1) Vehicular homicide, as defined by K.S.A. 21-3405, <u>prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas</u>, and amendments thereto;
- (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

- (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;
- (4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;
- (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
- (6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto;
- (7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
 - (8) a violation of K.S.A. 21-3405b, and amendments thereto prior to its repeal.
- (c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.
- (e) (d) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto
- (d) (e) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state:

 (1) The defendant's full name:
- (2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
 - (3) the defendant's sex, race and date of birth;
 - (4) the crime for which the defendant was arrested, convicted or diverted;
 - (5) the date of the defendant's arrest, conviction or diversion; and
- (6) the identity of the convicting court, arresting law enforcement agency or diverting authority. A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.
- (e) (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:
- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner:
 - (2) the circumstances and behavior of the petitioner warrant the expungement; and
 - (3) the expungement is consistent with the public welfare.
- (f) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order

of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
- (A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
- (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
- (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
- (E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
- (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
- (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency:
- (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto:
- (J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- (K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto:
- (3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and
- (4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.
 - (g) (h) Whenever a person is convicted of an ordinance violation, pleads guilty and

pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

- (h) (i) Subject to the disclosures required pursuant to subsection (f) (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.
- (i) (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:
 - (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged:
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order:
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged:
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in

determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

- (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- (12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
- (13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;
 - (14) the Kansas sentencing commission;
- (15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or
- (16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.
- Sec. 25. K.S.A. 2010 Supp. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) The municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. 21-3408 subsection (a) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, under a Kansas criminal statute are fingerprinted and processed.
- (2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. <u>8-2,144 or</u> 8-1567, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.
- (b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.
- Sec. 26. K.S.A. 2010 Supp. 22-2909 is hereby amended to read as follows: 22-2909. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a

speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed \$100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

- (b) The diversion agreement shall state: (1) The defendant's full name; (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name; (3) the defendant's sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.
- (c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:
- (1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto: and
- (2) enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto, and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto. participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.
- (d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.
- (d)(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and

amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(e)(f) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

(f)(g) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

(g)(h) Except as provided in subsection (h), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the attorney general or county or district attorney finds that the defendant is indigent, the fee may be waived participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(h)(i) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (g) are permissive and not mandatory.

(i)(j) Except diversion agreements reported under subsection (j), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(i)(k) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.";

And by renumbering sections accordingly;

On page 25, following line 39, by inserting:

"Sec. 29. K.S.A. 2010 Supp. 28-176 is hereby amended to read as follows: 28-176.

- (a) The court shall order any person convicted or diverted, or adjudicated or diverted under a preadjudication program pursuant to K.S.A. 22-2906 et seq., K.S.A. 2010 Supp. 38-2346 et seq., or 12-4414, and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or a violation of a municipal ordinance or county resolution prohibiting the acts prohibited by such statutes, unless the municipality or county has an agreement with the laboratory providing services that sets a restitution amount to be paid by the person that is directly related to the cost of laboratory services, to pay a separate court cost of \$400 for every individual offense if forensic science or laboratory services or forensic computer examination services are provided, in connection with the investigation, by:
 - (1) The Kansas bureau of investigation;
 - (2) the Sedgwick county regional forensic science center;
 - (3) the Johnson county sheriff's laboratory;
 - (4) the heart of America regional computer forensics laboratory; or
 - (5) the Wichita-Sedgwick county computer forensics crimes unit.
- (b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.
- (c) The court shall not lessen or waive such fees unless the court has determined such person is indigent and the basis for the court's determination is reflected in the court's order.
- (d) Such fees shall be deposited into the designated fund of the laboratory or forensic science or computer center that provided such services. Fees for services provided by:
- (1) The Kansas bureau of investigation shall be deposited in the Kansas bureau of investigation forensic laboratory and materials fee fund;
- (2) the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund:
- (3) the Johnson county sheriff's laboratory shall be deposited in the Johnson county sheriff's laboratory analysis fee fund;
- (4) the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by such laboratory; and
- (5) the Wichita-Sedgwick county computer forensic crimes unit shall be retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office.
- (e) Disbursements from the funds and accounts described in subsection (d) shall be made for the following:
 - (1) Forensic science or laboratory services;
 - (2) forensic computer examination services:
 - (3) purchase and maintenance of laboratory equipment and supplies;
 - (4) education, training and scientific development of personnel; and
- (5) from the Kansas bureau of investigation forensic laboratory and materials fee fund, the destruction of seized property and chemicals as described in K.S.A. 22-2512 and 60-4117, and amendments thereto.
- Sec. 30. K.S.A. 2010 Supp. 60-427 is hereby amended to read as follows: 60-427. (a) As used in this section:
 - (1) "Patient" means a person who, for the sole purpose of securing preventive,

palliative, or curative treatment, or a diagnosis preliminary to such treatment, of such person's physical or mental condition, consults a physician, or submits to an examination by a physician.

- (2) "Physician" means a person licensed or reasonably believed by the patient to be licensed to practice medicine or one of the healing arts as defined in K.S.A. 65-2802, and amendments thereto, in the state or jurisdiction in which the consultation or examination takes place.
- (3) "Holder of the privilege" means the patient while alive and not under guardianship or conservatorship or the guardian or conservator of the patient, or the personal representative of a deceased patient.
- (4) "Confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.
- (b) Except as provided by subsections (c), (d), (e) and (f), a person, whether or not a party, has a privilege in a civil action or in a prosecution for a misdemeanor, other than a prosecution for a violation of K.S.A. 8-2.144 or 8-1567, and amendments thereto or an ordinance, or a city ordinance or county resolution which prohibits the acts prohibited by that statute those statutes, to refuse to disclose, and to prevent a witness from disclosing, a communication, if the person claims the privilege and the judge finds that: (1) The communication was a confidential communication between patient and physician; (2) the patient or the physician reasonably believed the communication necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor; (3) the witness (i) is the holder of the privilege, (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician's duty of nondisclosure by the physician or the physician's agent or servant; and (4) the claimant is the holder of the privilege or a person authorized to claim the privilege for the holder of the privilege.
- (c) There is no privilege under this section as to any relevant communication between the patient and the patient's physician: (1) Upon an issue of the patient's condition in an action to commit the patient or otherwise place the patient under the control of another or others because of alleged incapacity or mental illness, in an action in which the patient seeks to establish the patient's competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a misdemeanor; (2) upon an issue as to the validity of a document as a will of the patient; or (3) upon an issue between parties claiming by testate or intestate succession from a deceased patient.
- (d) There is no privilege under this section in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party.
 - (e) There is no privilege under this section: (1) As to blood drawn at the request of

- a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto; and (2) as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed.
- (f) No person has a privilege under this section if the judge finds that sufficient evidence, aside from the communication has been introduced to warrant a finding that the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort.
- (g) A privilege under this section as to a communication is terminated if the judge finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or the physician's agent or servant gained knowledge through the communication.
- (h) Providing false information to a physician for the purpose of obtaining a prescription-only drug shall not be a confidential communication between physician and patient and no person shall have a privilege in any prosecution for unlawfully obtaining or distributing a prescription-only drug under K.S.A. 2010 Supp. 21-36a08, and amendments thereto.
- Sec. 31. K.S.A. 2010 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.
- (2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.
- (b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:
- (1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. <u>8-2,144 or 8-1567</u>, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by <u>K.S.A. 8-1567</u>, and amendments thereto those statutes;
 - (2) a municipal or district court, for the purpose of using the record in connection

with any matter before the court;

- (3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or
- (4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.
- (c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2010 Supp. 45-230, and amendments thereto, except that:
- (1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:
- (A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:
 - (i) Have safety-related defects,
 - (ii) fail to comply with emission standards; or
 - (iii) have any defect to be remedied at the expense of the manufacturer;
- (B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:
- (i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or
- (ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;
- (C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;
- (D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed:
- (E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;
- (F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals: or
- (G) assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety.
- (2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an

application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

- (d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).
- (e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.
- (f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c) (1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.
- (g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.
- Sec. 32. K.S.A. 2010 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:
- (a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. Such term includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.
- (b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.
- (c) "Claimant" means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.
 - (d) "Collateral source" means a source of benefits or advantages for economic loss

otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;
 - (3) social security, medicare and medicaid;
 - (4) state-required temporary nonoccupational disability insurance;
 - (5) workers' compensation;
 - (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; or
- (8) a contract providing prepaid hospital and other health care services or benefits for disability.
- (e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:
 - (i) The crimes would be compensable had it occurred in the state of Kansas; and
- (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;
 - (B) poses a substantial threat or personal injury or death; and
- (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or
- (2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term shall not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. <u>8-2,144 or 8-1567</u>, and amendments thereto, or violations of municipal ordinances <u>or county resolutions</u> prohibiting the acts prohibited by <u>that statute those statutes</u>, or violations of K.S.A. 8-1602, <u>and amendments thereto</u>, K.S.A. 21-3404, 21-3405 and 21-3414, <u>prior to their repeal</u>, or sections 40, 41 and subsection (b) of section 48 of chapter 136 of the 2010 <u>Session Laws of Kansas</u>, and amendments thereto, or when such conduct was intended to cause personal injury or death.

- (f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.
- (g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.
 - (h) "Dependent's replacement services loss" means loss reasonably incurred by

dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

- (i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.
- (j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.
- (k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.
- (l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.
- (m) "Victim" means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.
- (n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.";

On page 28, following line 19, by inserting:

- "Sec. 34. Section 14 of chapter 136 of the 2010 Session Laws of Kansas, is hereby amended to read as follows: Sec. 14. A person may be guilty of a crime without having a culpable mental state if the crime is:
- (a) A misdemeanor, cigarette or tobacco infraction or traffic infraction and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;
- (b) a felony and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;
 - (c) a violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto; or
 - (d) a violation of K.S.A. 8-2,144, and amendments thereto; or
 - (d) (e) a violation of K.S.A. 22-4901 et seg., and amendments thereto.
- Sec. 35. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) and (e), (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person:

- (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.
- (2) Except as provided in subsections (b) and (e), (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
- (b) Except as provided in subsection (e) subsections (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:
- (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute:
- (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;
- (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute:
- (4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;
- (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime:
- (6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;
- (7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
 - (8) a violation of K.S.A. 21-3405b, prior to its repeal.
- (c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.
- ——(e) (d) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:
- (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

- (2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto:
- (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed:
- (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (17) a violation of K.S.A. 8-1567, and amendments thereto, including any-diversion for such violation:
- (18) (17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or
 - (19) (18) any conviction for any offense in effect at any time prior to July 1,

- 2011, that is comparable to any offense as provided in this subsection.
- (d)(e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:
 - (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
 - (C) defendant's sex, race and date of birth;
 - (D) crime for which the defendant was arrested, convicted or diverted;
 - (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.
- (2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.
- (3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.
- (e) (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:
- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
 - (2) the circumstances and behavior of the petitioner warrant the expungement;
 - (3) the expungement is consistent with the public welfare.
- (f) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:
- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed:
- (2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
- (A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a

private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

- (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
- (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
- (E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof:
- (F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
- (G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;
- (H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- (I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto:
- (J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or
- (K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto:
- (3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;
- (4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and
- (5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.
- (g) (h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge

the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

- (h) (i) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.
- (i) (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:
 - (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order:
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense:
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged:
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in

determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
- (14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
- (15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or
- (16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.";

And by renumbering sections accordingly:

Also on page 28, in line 20, by striking all following "K.S.A." where it appears the first time; by striking all in lines 21 through 23 and inserting "8-285, 8-285, as amended by section 89 of 2011 House Bill No. 2339, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1001, 8-1012, 8-1013, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1014, 8-1015, 8-1020, 8-1020a, 8-1022, 8-1567, 12-4106, 12-4414, 12-4415, 12-4516, 12-4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 22-2909, 28-176, 60-427, 74-2012, 74-7301, 74-7301, as amended by section 255 of 2011 House Bill No. 2339, 75-5291 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and section 14 of chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339 are hereby repealed.";

On page 1, in the title, by striking all in lines 3 through 7 and inserting "creating the community corrections supervision fund; amending K.S.A. 8-285, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1022, 8-1567, 12-4106, 12-4414, 12-4415, 12-4516, 12-4517, 22-2909, 28-176, 60-427, 74-2012, 74-7301 and 75-5291 and section 14 of

chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339; also repealing K.S.A. 8-285, as amended by section 89 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1020a, 12-4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 74-7301, as amended by section 255 of 2011 House Bill No. 2339 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339.";

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

PAT COLLOTON
LANCE KINZER
MELODY McCRAY-MILLER
Conferees on part of House
THOMAS C. OWENS
JEFF KING
DAVID HALEY
Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **H. Sub. for SB 6** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: M. Holmes, Moxley, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2080** 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 8 through 36;

By striking all on pages 2 through 17;

On page 18, by striking all in lines 1 through 29 and inserting:

"Section 1. K.S.A. 2010 Supp. 25-4501 is hereby amended to read as follows: 25-4501. (a) Subject to the provisions of this section, there shall be held a presidential preference primary election in the year 2012 2016, and every fourth year thereafter.

- (b) On or before November 1, 2015, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representatives and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or a caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such a selection process in the next succeeding year, the secretary of state shall certify to the governor, the chief clerk of the house of representatives and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held.
- (c) The date certified by the secretary of state pursuant to subsection (b) shall be the date on which the presidential preference primary election authorized by subsection (a) shall be held in the state of Kansas.
- Sec. 2. K.S.A. 25-4502 is hereby amended to read as follows: 25-4502. (a) Every registered elector who has declared such elector's party affiliation with a political party eligible to participate in a state primary election shall have the opportunity to vote one vote at a presidential preference primary election for such elector's preference for one person to be the candidate for nomination by such candidate's party for president of the United States or for "none of the names shown." Any registered elector who has not declared such candidate's party affiliation prior to the election may make such a declaration at the polling place, and thereupon shall be permitted likewise the opportunity to vote one vote at the presidential preference primary. A vote for "none of the names shown" shall express the preference for an uncommitted delegation from Kansas to the national convention of that elector's party. Preference shall be indicated by marking with a cross or check mark inside a voting square or a darkened oval on the ballot at the left of the voter's choice, or by voting by using a voting machine.
- (b) The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if, not later than twelve o'clock 12 noon, February 12 prior to on the date which precedes by seven weeks the date of the presidential preference primary or, if such date falls on Saturday, Sunday or a holiday, not later than twelve o'clock 12 noon the following day that is not a Saturday, Sunday or holiday:
- (1) The candidate files with the secretary of state a declaration of intent to become a candidate accompanied by a fee of \$100; or
- (2) there is filed in the office of secretary of state a petition in the form prescribed by K.S.A. 25-205, and amendments thereto, signed by not less than 1,000 registered

electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The secretary of state shall determine the sufficiency of each such petition, and such determination shall be final.

- Sec. 3. K.S.A. 25-4503 is hereby amended to read as follows: 25-4503. (a) The names of the candidates for nomination for president of the United States by a political party eligible to participate in a state primary election shall be printed on the official ballots for the presidential preference primary elections of their respective parties along with the choice of "none of the names shown." The ballots shall be marked, returned and canvassed in the same manner and under the same conditions, so far as the same are applicable, as in the case of the primary election of candidates for nomination for state offices.
- (b) The official presidential preference primary election ballots shall be printed in a single column and shall have the following heading:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY ELECTION BALLOT Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square, or darken the oval, to the left of the name of the person for whom you desire to vote. To vote for "none of the names shown" make a cross or check mark in the square, or darken the oval, to the left of such words.

This shall be followed by the names of the candidates for president of the United States of such party in the manner and order certified by the secretary of state.

- (c) As soon as possible after February 12 the candidate filing deadline, the secretary of state shall certify to each county election officer the name of each person who is a candidate for nomination to be president of the United States of each party authorized to participate in the presidential preference primary election. The secretary of state shall publish, not less than 21 days prior to the presidential preference primary, a notice in one newspaper in each county of the state where a newspaper is published, that the official list of candidates and the date of the election can be acquired in the office of the secretary of state or the office of the county election officer.
- (d) When a party participating in the presidential preference primary election has more than one candidate, the secretary of state shall determine by lot the order in which the candidates' names will appear on the ballot. The order of names, as established by the secretary of state, shall be uniform in each county throughout the state.
- Sec. 4. K.S.A. 2010 Supp. 25-205, as amended by section 1 of 2011 Senate Bill 125, is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12 noon, June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Non	nination petitions shall be in s	substantially the follow	ing form:
I, the un	dersigned, an elector of th	e county of	, and state o
	a duly registered voter, and		party, hereby
nominate	, who resides	in the township of	(or a
number			
of	and state of Kansas,		
the office)	, to be voted	for at the primary elec-	ction to be held on the
first Tuesday	in August in	, as representing	the principles of such
	urther declare that I intend to		
have not sign	ed and will not sign any non	nination petition for any	other person, for such
office at such	primary election.		_
	(HE	ADING)	
Name of	Street Number	Name of	Date of
Signers.	or Rural Route	City.	Signing
	(as registered).		
All nomi	nation petitions shall have	substantially the fores	oing form, written o

- All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.
- (c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.
- (d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.
- (e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:
- (1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state:
- (2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto:
 - (3) If for a county office, by voters equal in number to not less than 3% of the total

of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

- (4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.
- (f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.
- (g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:
- (1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.
- (2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:
- (A) For the office of representative in the United States congress...1,000 registered voters:
 - (B) for the office of member of the state board of education. .300 registered voters;

 - (D) for the office of state representative.......25 registered voters.
- (h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:
- (1) If new boundary lines are defined and districts established in the manner prescribed by law on or before June 10May 10, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on June 24-1, or if such date falls on a Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or holiday.
- (2) If new boundary lines are defined and districts established in the manner prescribed by law on or after June May 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on July 12 June 10, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.
- Sec. 5. K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill 125, is hereby amended to read as follows: 2-624. (a) The governing body of each extension district

shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.

- (b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the governing body shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.
- (c) (1) Except as otherwise provided in this act, an election to elect successors to members of the governing body whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.
- (2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. Not later than 12 noon of the Wednesday next following the Tuesday, 10 weeks preceding the first Tuesday in April in odd-numbered years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order.
- (3) The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof.
- (4) All election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.
- (d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.
- (e) The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.-
- Sec. 6. On and after January 1, 2012, K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.
- (b) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An

applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

- (c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.
- (d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.
- (e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.
- (f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.
- (g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.
- (2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting

the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

- (A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto:; and
- (B) Such person shall also produce evidence that such person is registered to vote in Kansas.
- (3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).
- (h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.
- (i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:
 - (1) The person owns, leases or rents a place of domicile in this state;
 - (2) the person engages in a trade, business or profession in this state;
 - (3) the person is registered to vote in this state;
 - (4) the person enrolls the person's child in a school in this state; or
 - (5) the person registers the person's motor vehicle in this state.
- (j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.
- (k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.
- (l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a faesimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program-participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments thereto.
- Sec. 7. On and after January 1, 2012, K.S.A. 2010 Supp. 25-1122d, as amended by section 3 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation	of an Elector of the County of		and State of Kansas
Desiring to Vote	an Advance Voting Ballot		
State of	, County of	, ss:	
Ι,			
	(Please print	name)	
do solemnly affi	irm under penalty of perjury that I a	m a qualified	elector of the
precinct of the	ward, residing at number	on	street
city of	, or in the township of	, county of	, and state

of Kansas. My date of birth is (month/day/year).
I understand that a current and valid Kansas driver's license number or Kansas
nondriver's identification card number must be provided in order to receive a ballot. If I
do not have a current and valid Kansas driver's license number or Kansas nondriver's
identification card number, I must provide one of the following forms of identification
with this application in order to receive a ballot:
(1) A copy of any one of the following types of photographic identification: a
driver's license issued by Kansas or by another state or district of the United States, a
state identification card issued by Kansas or by another state or district of the United
States, a concealed carry of handgun license issued by Kansas or a concealed carry of
handgun or weapon license issued by another state or district of the United States, a
United States passport, an employee badge or identification document issued by a
municipal, county, state, or federal government office or agency, a military
identification document issued by the United States, a student identification card issued
by an accredited post secondary institution of education in the state of Kansas, or a
public assistance identification card issued by a municipal, county, state, or federal
government office or agency.
I am entitled to vote an advance voting ballot and I have not voted and will not
otherwise vote at the election to be held on (date). My political party is
otherwise vote at the election to be held on (date). My political party is (to be filled in only when requesting primary election ballots). I desire my
ballots to be sent to the following address:
· · · · · · · · · · · · · · · · · · ·
Signature of voter.
Note: False statement on this affirmation is a severity level 9, nonperson felony.
(b) The application for an advance voting ballot to be transmitted in person shall
be accompanied by an affirmation in substance as follows:
Affirmation of an Elector of the County of and State of Kansas
Desiring to Vote an Advance Voting Ballot
State of, County of, ss:
I,
(Please print name)
do solemnly affirm under penalty of perjury that I am a qualified elector of the
precinct of the ward, residing at number on street, city of, or in the township of, county of, and state of
city of , or in the township of , county of , and state of
Kansas. My date of birth is (month/day/year).
I am entitled to vote an advance voting ballot and I have not voted and will not
otherwise vote at the election to be held on (date). My political party is
otherwise vote at the election to be held on (date). My political party is (to be filled in only when requesting primary election ballots).
otherwise vote at the election to be held on (date). My political party is (to be filled in only when requesting primary election ballots).
(to be filled in only when requesting primary election ballots).
otherwise vote at the election to be held on (date). My political party is (to be filled in only when requesting primary election ballots). Signature of voter. Note: False statement on this affirmation is a severity level 9, nonperson felony.

(c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or

disability.

- (d) Any application by a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.
- (e) The secretary of state may adopt rules and regulations in order to implement the provisions of this section.
- Sec. 8. On and after January 1, 2012, K.S.A. 2010 Supp. 65-2418, as amended by section 13 of 2011 House Bill No. 2067, is hereby amended to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.
- (2) The secretary shall not charge any fee for a certificate copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas commission on veterans! affairs which indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.
- (3) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of meeting the voter registration requirements of K.S.A. 25-2309, and amendments thereto. Such person shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(I), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(I), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.
- (4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and

amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

- (5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.
- (b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.
- Sec. 9. On and after January 1, 2012, K.S.A. 25-208a, as amended by section 16 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, including Saturdays, Sundays and holidays, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

- (b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.
- (c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.
- Sec. 10. K.S.A. 2010 Supp. 25-2021 is hereby amended to read as follows: 25-2021. (a) A primary election shall be held if needed to reduce the number of eandidates for each office in the general election to no more than three candidates. No

primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board-members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot. In school districts in which a member district method of election is in effect, if there are more than three qualified candidates for any member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

- (b) In school districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are board members to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (b)(d) On the ballots in general school elections, blank lines for the <u>name names</u> of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for such elected office shall be equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary school election ballots.
- Sec. 11. K.S.A. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.
- (b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the

process of the election but at which no officer is finally elected.

- (c) "District method" means the election of city officers where the city is divided into member districts or wards.
- (d) "Election at large method" means the election of city officers without member districts or wards.
- Sec. 12. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section.
- (b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.
- (b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.
- Sec. 13. K.S.A. 2010 Supp. 71-1415 is hereby amended to read as follows: 71-1415. (a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there

shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.

(b) In the general election, there shall appear on the ballots a line appropriate for write-in candidates. No lines for write-in candidates shall appear on the primary election ballots.

In college districts in which a district method of election is in effect, if there are more than three qualified candidates for any member position, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

- (b) In college districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are trustees to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are trustees to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.
- (d) On the ballots in general college district elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary college district election ballots.
- Sec. 14. K.S.A. 2010 Supp. 24-139a is hereby amended to read as follows: 24-139a. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms. Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms

as provided in K.S.A. 24-409 and 24-412, and amendments thereto.

- Sec. 15. K.S.A. 2010 Supp. 24-409 is hereby amended to read as follows: 24-409. (a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.
- (b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:
- (1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and
- (2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.
- Sec. 16. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) <u>Subject to the provisions of subsection (b)</u>, except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.
- (b) On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. 24-139a, and amendments thereto.
- Sec. 17. K.S.A. 2010 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both with the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:
- (1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;
- (2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

- (3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;
- (4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;
- (5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.
 - (b) Each report required by this section shall state:
 - (1) Cash on hand on the first day of the reporting period;
- (2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan:
- (3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature:
- (4) the aggregate amount of contributions for which the name and address of the contributor is not known:
 - (5) each contribution, rebate, refund or other receipt not otherwise listed;
 - (6) the total of all receipts;
- (7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;
- (8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution:
 - (9) the aggregate of all expenditures not otherwise reported under this section; and
 - (10) the total of expenditures.
- (c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:
- (1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and
- (B) the name and address of each candidate for state or local office who is the subject of an expenditure which:
- (i) Is made without the cooperation or consent of a candidate or candidate committee;
 - (ii) expressly advocates the nomination, election or defeat of such candidate; and

- (iii) is an aggregate amount or having a fair market value in excess of \$300.
- (2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.
- (d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.
- (e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.
- (f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.
- (g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.
- (h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.
- (i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.
- (j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.
- New Sec. 18. (a) No candidate for elected office shall either appear in a public service announcement or advertisement or allow the candidate's name to be used in a public service announcement or advertisement during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.
 - (b) As used in this section:
- (1) "Public service announcement or advertisement" means any message broadcast by electronic, telephone or print media promoting or announcing some issue of public importance, public concern or public welfare regardless of whether or not the announcement or advertisement involves the donation of time or space on behalf of the media or is paid for with public sector funds or private sector funds from the current

contractor of the sponsoring government entity;

- (2) "electronic media" shall not include the website for the government agency or other entity that administers the program promoted by the public service announcement or advertisement; and
- (3) "print media" means direct mail literature and advertisements in any newspaper, magazine or any other periodical publication, but it shall not include printed literature promoting a program so long as it is used regularly throughout the year in the regular course of business and not distributed in an unsolicited direct mail advertising campaign at a cost exceeding \$2,000 during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.
- (c) Any candidate who intentionally violates this section shall be subject to the civil penalties provided by K.S.A. 25-4181, and amendments thereto.
 - (d) This act shall be part of and supplemental to the campaign finance act.
- Sec. 19. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:
- (1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312_and amendments thereto;
- (2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto:
 - (3) the 14 20 days preceding the day of primary and general state elections;
- (4) the $14 \ \underline{20}$ days preceding the day of primary city and school elections, if either has a primary:
- (5) the 14 20 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections:
- (6) the 14 20 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and
 - (7) the day of any primary or general election or any question submitted election.
- (b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.
- (c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.
- (d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 9 p.m. in cities of the first and second class.
 - (e) County election officers shall accept and process applications received by voter

registration agencies and the division of motor vehicles not later than the 15th 21st day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 15th 21st day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

- (f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.
- (g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.
- Sec. 20. K.S.A. 25-321 is hereby amended to read as follows: 25-321. A person appointed to the office of state representative under the provisions of this act may hold the office for the remainder of the term. Any person appointed to the office of senator under the provisions of this act may hold the office: (a) If the vacancy occurs prior to October 15 May 1 of the second year of the term, until the next general election, when a senator shall be elected to fill the term: or (b) if such vacancy occurs after October 14 on or after May 1 of the second year of the term, for the remainder of the term. In cases where the appointment of a senator is until the next general election, nominations for senator to be elected at such general election shall be made as follows: (1) If the vacancy occurs prior to June 1 of the second year of the term, candidates for the office shall be nominated at the primary in like manner as regular nominations for statesenator are made; and (2) if the vacancy occurs on or after June 1 and prior to October 15 of the second year of the term, candidates for the office shall be nominated by the senatorial district party committee of any party having a state and national organization. nomination and election of such successor shall be in the same manner as nomination and election of a senator for a regular term.
- Sec. 21. K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill No. 125, 24-412, 25-321, 25-2102, 25-2311, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 24-139a, 24-409, 25-205, as amended by section 1 of 2011 Senate Bill No. 125, 25-2021, 25-2108a, 25-4148, 25-4501 and 71-1415 are hereby repealed.
- Sec. 22. On and after January 1, 2012, K.S.A. 25-208a, as amended by section 16 of 2011 House Bill No. 2067 and K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, 25-1122d, as amended by section 3 of 2011 House Bill No. 2067 and 65-2418, as amended by section 13 of 2011 House Bill No. 2067 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 1 through 5 and inserting:

"AN ACT concerning elections; amending K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill No. 125, 24-412, 25-208a, as amended by section 16 of 2011 House Bill No. 2067, 25-321, 25-2102, 25-2311, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, 24-139a, 24-409, 25-205, as amended by section 1 of 2011 Senate Bill No. 125, 25-1122d, as amended by section 3 of 2011 House Bill No. 2067, 25-2021, 25-2108a, 25-4148, 25-4501, 65-2418,

as amended by section 13 of 2011 House Bill No. 2067 and 71-1415 and repealing the existing sections.";

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

TERRIE HUNTINGTON
VICKI SCHMIDT
KELLY KULTALA
Conferees on part of Senate
SCOTT SCHWAB
MARIO GOICO
ANN E. MAH
Conferees on part of House

On motion of Rep. Schwab, the conference committee report on **S. Sub. for HB 2080** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Navs: None.

Present but not voting: None.

Absent or not voting: M. Holmes, Moxley, O'Neal, Peterson.

The House stood at ease until the sound of the gavel.

Speaker pro tem Vickrey called the House to order.

MESSAGES FROM THE GOVERNOR

HB 2044, HB 2104, HB 2105, HB 2147, HB 2151, HB 2172 approved on May 12, 2011.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on HB 2015.

The Senate accedes to the request of the House for a conference on SB 21 and has appointed Senators Schodorf, Vratil and Hensley as second conferees on the part of the

Senate.

The Senate accedes to the request of the House for a conference on **HB 2054** and has appointed Senators Wagle, Vratil and Holland as conferees on the part of the Senate.

The President announced the appointment of Senators McGinn, Vratil and Kelly as members of the conference committee on **H. Sub. for Sub. SB 127** to replace Senators Huntington, V. Schmidt and Kultala.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 154**.

Speaker pro tem Vickrey thereupon appointed Reps. Rhoades, Kelley and Feuerborn as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Reps. Brunk, Patton and Loganbill as members of the conference committee on **SB 76** to replace Reps. Landwehr, Donohoe and Flaharty.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Burroughs, **HR 6033**, by Rep. Burroughs, as follows, was introduced and adopted.

HOUSE RESOLUTION No. HR 6033-

A RESOLUTION congratulating Chief Bearskin on his service to all citizens in the State of Kansas and the United States of America.

WHEREAS, Chief Leaford Bearskin has distinguished himself and the Wyandotte Nation with his outstanding service to The Wyandotte Tribe and The United States of America; and

WHEREAS, Chief Leaford Bearskin is retiring on May 31, 2011 after serving 28 years as Principal Chief of the Wyandotte Nation, and in recognition of his outstanding service and dedication to all citizens in the Wyandotte Nation and the United States of America; and

WHEREAS, Wyandotte Nation Chief Leaford Bearskin was born September 11, 1921 on his parents' allotment of land in northeast Oklahoma. He was reared and educated in the Wyandotte, Oklahoma area, graduating from high school in 1939; and

WHEREAS, Immediately following graduation, Chief Leaford Bearskin entered military service and made it a lifetime career where he received numerous commendations for his heroic service. After basic training, he was first assigned to Alaska as a crew chief in World War II. Chief Leaford Bearskin then entered flying cadet school and after receiving his pilot wings, entered heavy bombardment training. Chief Leaford Bearskin was sent to New Guinea as an Aircraft commander on a B-24 Liberator Bomber. Altogether, Chief Leaford Bearskin flew 46 combat missions in heavy bombers; and

WHEREAS, Chief Leaford Bearskin's next assignment was to train heavy bomber crews in various phases of warfare before going to Japan as a ground force officer. He was a squadron commander, director of material and deputy commander at a fighter base in Georgia. From this base, he participated in the first flight of jet fighter aircraft across the Pacific. Chief Leaford Bearskin was Air Base Group Commander in support of this flight; and

WHEREAS, After graduating from a Staff Logistics Course at the Air University, Montgomery, Alabama, he was assigned to a Squadron Commander's position in Korea. His next assignment was as Squadron Commander and Assistant Headquarters Commandant at Strategic Air command Headquarters, Omaha, Nebraska, with the rank of Lieutenant Colonel. He retired from the Air Force at Omaha in 1960; and

WHEREAS, After retirement from the United States Air Force, he began his second career in federal civil service, as Chief of Vehicle and Aerospace Ground Equipment in the First Strategic Aerospace Division at Vandenberg Air Force Base, California. There, Chief Leaford Bearskin was responsible for the supervision of the utilization and maintenance of automotive equipment and for the testing, monitoring and analyzing of ground handling equipment for the Atlas, Titan and Minuteman missile weapons systems; and

WHEREAS, Chief Leaford Bearskin later moved to March Air Force Base, California, as Chief, Traffic Management Branch, Directorate of Transportation, Headquarters 15th Air Force. With his promotion to Deputy Director, as a GS-13, he was responsible for the monitoring and development of transportation systems in support of nineteen Air Force bases throughout the western United States; and

WHEREAS, In 1969, Chief Leaford Bearskin was promoted to Deputy Director, Directorate of Logistic Plans in the same headquarters. He was second in charge of a plans organization which supervised the planning and operation of materiel requirements to support war plans for bomber and missile weapons systems located throughout the western states and in several overseas locations; and

WHEREAS, In 1970, Chief Leaford Bearskin was assigned as Executive Officer to the Director of Operations, Headquarters Fifteenth Air Force. He was the Administrative Manager for seven major directorates within the Fifteenth Air Force headquarters, and nineteen Air Force bases; and

WHEREAS, Chief Leaford Bearskin retired from federal civil service in 1979, having served forty-one years in government service. He and his wife, Barbara Cannon Bearskin, moved to his native Wyandotte, Oklahoma, where they built their retirement home on Grand Lake O' the Cherokees. He is the father two children and has six grandchildren; and

WHEREAS, In September 1983, he was elected Chief of the Wyandotte Nation, where he has rededicated all efforts to the objective of better service to his people. He has steadily served in the capacity of Chief and is currently in his twenty-third year of service to the tribe and community. Vast improvements in health care, education, adult services, employment, emergency services, culture and heritage are the result of his many achievements. Chief Leaford Bearskin has led his people into various financial ventures that have made the tribe self sufficient: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we hereby proclaim Chief Leaford Bearskin a Kansan at heart and congratulate Chief Leaford Bearskin on his service to all citizens in the State of Kansas and the United States of America; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Burroughs.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 115**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 115** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as follows:

On page 1, by striking all in line 5 and inserting:

- "Section 1. K.S.A. 2010 Supp. 75-37,105 is hereby amended to read as follows: 75-37,105. (a) As used in this section, "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch and any appointed state council or state commission.
- (b)(1) There is established an employee award and recognition program for state employees. Under this program monetary or non-monetary awards may be made to state employees. An appointing authority may implement a program of award and recognition for classified and unclassified employees or teams of employees for distinguished accomplishment, meritorious service, innovations, Kansas quality management, volunteerism or length of service. Under this program monetary or non-monetary awards may be made to state employees. Non-monetary awards may include, but are not limited to, a medal, an annual award luncheon held by the employee's respective state agency or public recognition by the Kansas house of representatives or the Kansas senate.
- (2) All awards and recognition provided under this section shall meet the conditions for a discretionary bonus set out in 29 C.F.R. § 778.211.
- (b)(c) The total gross value of awards to any employee of the state during a single fiscal year shall not exceed \$3,500 except as provided in subsections (f) and subsection (g). No award paid pursuant to this section during the fiscal year shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each taxable award paid under this section shall be a discretionary bonus, as defined by 29 C.F.R. § 778, and shall be in addition to the regular earnings to which that employee may be entitled or for which the employee may become eligible. Monetary awards are subject to taxes in accordance with federal internal revenue code regulations. The value of non-monetary awards shall be reported by state agencies in accordance with sections 74 and 132 of the federal internal revenue code and procedures prescribed by the director of accounts and reports.
- (e)(d) The award and recognition program shall be paid from moneys appropriated and available for operating expenditures of the state agency or from other funding sources as appropriated. In the case of employee suggestions, the award or recognition

for each employee shall be paid or provided by the state agency that benefited from and implemented the suggestion.

- (d)(e) The regulations of the employee award board adopted pursuant to K.S.A. 75-37,108, and amendments thereto, are hereby revoked.
- (e)(f) The secretary of administration shall adopt rules and regulations that provide oversight and administrative review of state agency award and recognition programs. The secretary of administration shall adopt rules and regulations to provide safeguards to preclude opportunities for abuse within the employee award and recognition program in each state agency and to ensure objective decision-making procedures in award and recognition determinations for all participating employees.
- (f) (1) (A) Each state agency (g) (1) (A) The secretary of administration shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions in that to their respective state agency through increased efficiencies or other economies or savings in the operations of the state agency.
- (B) Each employee making a suggestion for cost reduction shall be paid a monetary employee award a monetary or non-monetary employee award or awards for innovation pursuant to subsection (a) (b) of this section upon adoption of the suggestion by the state agency. Such a monetary award Monetary awards for innovation shall be nondiscretionary and shall be in the amount of 2.5%10% of the estimated cost reduction, accrued during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum of \$5,000. as certified by the agency's chief fiscal officer and the agency appointing authority up to a maximum of \$3,500. Each employee making a suggestion for cost reduction shall also be paid an employee suggestion bonus in the amount of the difference between the amount of the innovation award received by the employee and 10% of the documented cost reduction during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum employee suggestion bonus of \$37,500. Multiple employees that make similar suggestions for cost reduction, as determined by the state agency, shall share the documented cost reduction in equal shares, up to a maximum of \$5,000. Should multiple employees make similar suggestions for cost reduction, as determined by the state agency, each employee shall submit to the head of the state agency a list of each employee's percentage contribution to the suggestion for cost reduction. Upon adoption of the suggestion by the state agency, the head of the state agency shall make the final determination as to each employee's percentage contribution. Such multiple employees shall then share the documented cost reduction in such percentage shares as determined by the head of the state agency, up to a maximum of \$5,000 per employee.
- (C) The <u>state</u> agency shall retain 10% of the documented cost reduction. Savings achieved through this cost reduction shall be placed in the <u>Kansas savings incentive</u> account or fund for that a separate special revenue fund or funds for such purpose to be <u>administered by that state</u> agency. The remaining balance of the savings achieved through this cost reduction shall revert to the state general fund.
- (2) Each state agency shall submit each suggestion it receives, together with the state agency's estimated cost reduction, if any, and dispensation of the suggestion to the division of the budget. The director of the budget shall file copies with the director of the legislative research department, who shall report annually on the information to

members of the legislative budget committee.

- (3) Each state agency that has awarded an employee under the state agency's employee suggestion program pursuant to this subsection shall report all information related to the award to the secretary of administration.
- (4) At the beginning of each regular session of the legislature, the secretary of administration shall provide all information received by state agencies pursuant to subsection (g)(3) to the appropriate committees of the legislature.
- (5) The secretary of administration shall provide all information regarding the state employee suggestion program to all state agencies by a pamphlet, brochure or by publication on the official website of the department of administration.
- (g) (1) Salary bonus payments under the Kansas savings incentive program shall be made only for the following conditions:
 - (A) Monetary innovation awards made under subsection (f), or
 - (B) for awards and recognition provided pursuant to subsection (a).
- (2) The director of personnel services shall establish guidelines and limitations for bonus payments under the Kansas savings incentive program.
- (h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and any amendments thereto.
- (i) The provisions of subsections (f) and (g) of this section shall expire on June 30, 2006. Any person elected or appointed to a state agency position shall not be a recipient of a monetary award under this section.
- Sec. 2. K.S.A. 12-5309, 46-2701, 46-3201, 66-1226, 68-1038, 75-5002, and 75-5003 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702, 65-1,177 and 75-37,105 are hereby repealed.";

And by renumbering the remaining section accordingly:

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2 by striking all before the period and inserting "concerning state agencies; relating to the employee award and recognition program for state employees; state employee suggestion program; repealing certain expired committees, commissions and task forces; repealing the highway advisory commission and frontier military scenic byway designation; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section; also repealing K.S.A. 12-5309, 46-2701, 46-3201, 66-1226, 68-1038, 75-5002 and 75-5003 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702 and 65-1,177.";

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

MIKE BURGESS
MARVIN KLEEB
ED TRIMMER
Conferees on part of House
DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate

On motion of Rep. Burgess, the conference committee report on **SB 115** was adopted. Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None. Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **House Substitute for Substitute SB 111** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House
JEAN KURTIS SCHODORF
JOHN VRATIL
Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **H. Sub. for Sub. SB** 111 to agree to disagree, was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Aurand, Huebert and Ward as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brown, the House nonconcurred in Senate amendments to **HB** 2336 and asked for a conference.

Speaker pro tem Vickrey thereupon appointed Reps. Brown, Suellentrop and Slattery as conferees on the part of the House.

On motion of Rep. Brown, the House concurred in Senate amendments to **HB 2054**, AN ACT certain state agencies; pertaining to the Kansas technology enterprise corporation and the abolishing thereof; pertaining to the transfer of the powers and

duties thereof to the department of commerce and the board of regents; pertaining to the membership of the Kansas bioscience authority; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050, 74-8101 and 74-8105.

(The House requested the Senate to return the bill, which was in conference). Call of the House was demanded.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Burroughs, Calloway, Carlin, Davis, Feuerborn, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Kelley, Kuether, Lane, Loganbill, Mah, Meier, Pauls, Peterson, Phelps, Ruiz, Tietze, Trimmer, Tyson, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Colloton.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Reps. Landwehr, Donohoe and Flaharty as members of the conference committee on **SB 76** to replace Reps. Brunk, Patton and Loganbill.

The House stood at ease until the sound of the gavel.

Speaker pro tem Vickrey called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on H. Sub. for SB 6.

The Senate adopts conference committee report on **HB 2075**.

The Senate adopts conference committee report on HB 2139.

The Senate adopts conference committee report on S. Sub. for HB 2014.

The Senate adopts conference committee report to agree to disagree on **H. Sub. for Sub. SB 111**, and has appointed Senators Schodorf, Vratil and Hensley as second

conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2336** and has appointed Senators Wagle, Vratil and Holland as conferees on the part of the Senate.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Bethell, the House concurred in Senate amendments to **HB 2336**, AN ACT establishing the Kansas employment first initiative act .

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley. Nays: Aurand, Brown, Collins, Denning, Donohoe, Goodman, Hayzlett, Hildabrand, M. Holmes, Kelley, Kiegerl, Kinzer, McLeland, O'Hara, O'Neal, Peck, Powell, Rhoades, Siegfreid, Smith, Suellentrop.

Present but not voting: None.

Absent or not voting: None.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB** 76.

On motion of Rep. Siegfreid, the House recessed until 11:45 p.m.

NIGHT SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on SB 115.

The Senate adopts conference committee report on **HB 2182**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the

purpose of considering HB 2075, HB 2139, HB 2182; SB 127.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 21** 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 7, in line 7, by striking "budgetary and proprietary (real) accounts" and inserting "all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies"; in line 16, by striking "unliquidated obligations" and inserting "unencumbered cash balances, excluding state aid receivable"; in line 21, by striking all after "(g)"; in line 22, by striking "this section,"; in line 23, by striking all after "on"; in line 24, by striking all before the period and inserting "all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project";

On page 8, in line 12, by striking "and" where it appears the first time; And your committee on conference recommends the adoption of this report.

Lana Gordon
Steve Huebert
Valdenia C. Winn
Conferees on part of House
Jean Kurtis Schodorf
John Vratil
Anthony Hensley
Conferees on part of Senate

On motion of Rep. Gordon, the conference committee report on **SB 21** was adopted. On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Flaharty. Present but not voting: None. Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2075** submits the following report:

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

On page 2, by striking all in lines 42 and 43;

By striking all on pages 3 through 31;

On page 32, by striking all in lines 1 through 20 and inserting "Section 1. From and after July 1, 2011, K.S.A. 2010 Supp. 40-433 is hereby amended to read as follows: 40-433. No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

- (1) A policy issued by an insurance company organized under the laws of the state of Kansas on its employees and agents, which agents for the purpose of this act only shall be deemed employees, the beneficiaries under such policies to be persons designated by each insured, or a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, both subject to the following requirements:
- The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.
- (b) The premium for the policy shallmay be paid by the policyholder, either wholly from the employer's funds or funds contributed by the employer, or partly from such funds and partly from funds contributed by the insured employees. No policy shall

be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributionor entirely by the employees at their option. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject the coverage in writing.

- (c) The policy shall cover at least two employees at date of issue. (d) The amounts of insurance under the policy shall be based upon some plan, precluding individual selection either by the employees or by the employer or trustees.
- (2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:
- (a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness.
- (b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges shall insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.
- (c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.
- (d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by that debtor which is repayable in installments to the creditor.
- (e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.
- (3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:
- (a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.
- (b) The premium for the policy shallmay be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance or entirely by the insured members at their option. No policy shall be issued on which the entire premium

is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.

- (c) The policy shall cover at least 25 members at date of issue.
- (d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the members or by the union.
- (4) A policy issued to the trustees of a fund established in this state by two or more employers if a majority of the employees to be insured of each employer are located within the state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:
- (a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.
- (b) The premium for the policy shallmay be paid by the trustees either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured employees or wholly from funds contributed by the employees or members at their option. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured persons. The policy shall insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer or except those who reject coverage in writing.
- (c) The policy shall cover at date of issue at least 100 persons and not less than an average of five persons per employer unit. (d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers; or union.
- (e) The requirements of paragraphs (b) and (d) of this subsection governing-employer contributions and amounts of insurance shall not apply to a voluntary term life insurance policy issued on a group basis.

- (5) A policy issued to an association which has been organized and is maintained for purposes other than that of obtaining insurance, insuring at least 25 members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term "employees" as used herein shall be deemed to include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association or by employees of such members or any combination thereof. The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured person or by the association or by the member.
- (6) Any policy issued pursuant to this section may be extended to insure the employees against loss due to the death of their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents, or any class or classes thereof, subject to the following requirements:
- (a) The premium for the insurance shallmay be paid by the policyholder, either from the employer's funds or from funds contributed by the insured employees, or from both. If any part of the premium is to be derived from funds contributed by the insured employees, the insurance with respect to spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents and their spouse's parents may be placed in force only if at least 75% of the then eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, elect to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees, all eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, shall be insured with respect to their spouses, their children, their grandchildren, their spouse's parents.
- (b) The amounts of insurance shall be based upon some plan precluding individual selection either by the employees or by the policyholder, or employer and shall not exceed with respect to any spouse, child or parent 50% of the insurance on the life of such insured employee.
- (e)—(b) Upon termination of the insurance with respect to the spouse of an employee by reason of the employee's termination of employment or death, the spouse insured pursuant to this section shall have the same conversion rights as to the insurance on such spouse's life as is provided for the employee under K.S.A. 40-434, and amendments thereto.
- (d) (c) Notwithstanding the provisions of K.S.A. 40-434, and amendments thereto only one certificate need be issued for delivery to an insured person if a statement concerning any dependent's coverage is included in such certificate.
- (e) The requirements of paragraphs (a) and (b) of this subsection governing-participation, contribution by an employer and amounts of insurance for dependents shall not apply to a voluntary term life insurance policy issued on a group basis.
- (7) A policy may be issued to any other group which the commissioner of insurance finds is the proper subject of a group life insurance policy or contract. Any such group shall be subject to any appropriate conditions or provisions relating thereto which the commissioner may establish or require, consistent with the provisions of this act, and such conditions and provisions shall be included in the policy or contract.
 - Sec. 2. From and after July 1, 2011, K.S.A. 40-22a13 is hereby amended to read as

follows: 40-22a13. On and after January 1, 2000<u>July 1, 2011</u>, for the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto:

- (a) "Adverse decision" means a utilization review determination by a third-party administrator, a health insurance plan, an insurer or a health care provider acting on behalf of an insured that a proposed or delivered health care service which would otherwise be covered under an insured's contract is not or was not medically necessary or the health care treatment has been determined to be experimental or investigational and.:
- (1) If the requested service is provided in a manner that leaves the insured with a financial obligation to the provider or providers of such services,; or
- (2) the adverse decision is the reason for the insured not receiving the requested services.
 - (b) "Emergency medical condition" means:
- (1) The sudden, and at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place a person's health in serious jeopardy.
- (2) a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the insured or would jeopardize the insured's ability to regain maximum function; or
- (3) a medical condition for which coverage has been denied based on a determination that the recommended or requested health care service or treatment is experimental or investigational, if the insured's treating physician certifies, in writing, that the recommended or requested health care service or treatment for the medical condition would be significantly less effective if not promptly initiated.
- (c) "External review organization" means an entity that conducts independent external reviews of adverse decisions pursuant to a contract with the commissioner. Such entity shall have experience serving as the external quality review organization in health programs administered by the state of Kansas, or be a nationally accredited external review organization which utilizes health care providers actively engaged in the practice of their profession in the state of Kansas who are qualified and credentialed with respect to the health care service review. In the event no Kansas providers are qualified and credentialed with respect to the review of any case, the external review organization shall have the discretion to employ health care providers who actively engage in such health care provider's practice outside the state of Kansas.
- (d) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.
- (e) "Insured" means the beneficiary of any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, municipal group-funded pool, and the self-funded coverage established by the state of Kansas, or any hospital or medical expense, health, hospital or medical service corporation contract or a plan provided by a municipal group-funded pool.
- (f) "Insurer" means any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, provider sponsored organizations, municipal group-funded pool and the self-funded coverage

established by the state of Kansas for its employees.

- Sec. 3. From and after July 1, 2011, K.S.A. 40-22a14 is hereby amended to read as follows: 40-22a14. On and after January 1, 2000July 1, 2011:
- (a) The provisions of K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, coverage under a plan through medicare, medicaid, or the federal employees health benefits program, any coverage issues as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.
- (b) The right to external review under K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not be construed to change the terms of coverage under a health insurance plan or insurance policy.
- (c) The insurer or health insurance plan shall provide written notice to the insured of a final adverse decision and the opportunity for requesting an external review.
- (d) (1) The insured has the right to request an independent external review of an adverse decision by a health insurance plan or insurer when:
- (1)(A) The insured has exhausted all available internal review procedures provided by the health insurance plan or insurer, unless the insured has an emergency medical condition, in which case an expedited procedure is used: or
- (2)(B) the insured has not received a final decision from the insurer within 60 days of seeking the internal review, except to the extent that the delay was requested by the insured.
- (2) Whenever an insurer or health insurance plan fails to strictly adhere to all appeal procedure requirements as prescribed by state or federal law, the claimant shall be deemed to have exhausted the internal claims and appeal process regardless of whether such insurer or health insurance plan asserts that:
 - (A) It has substantially complied with such appeal procedure; or
 - (B) any error it committed was de minimis.
- (e) Within 90<u>120</u> days of receipt of an adverse decision by a health insurance plan or an insurer, any request for external review shall be made in writing to the commissioner from the following persons: (1) The insured; (2) the treating physician or health care provider acting on behalf onof the insured with written authorization from the insured; or (3) a legally authorized designee of the insured.
- (f) The insured shall provide all information in the possession of the insured pertaining to the adverse decision in order for the commissioner to make a preliminary determination for an external review. The insured also shall provide the commissioner with an appeal form, and a fully executed release for the commissioner and the external review organization to obtain any necessary medical records from the insurer or health insurance plan and any other relevant provider.
- (g) In responding to the commissioner, the insurer or health insurance plan shall provide a copy of the adverse decision given to the insured and all medical and other records pertaining to the insured's claim within five business days of the request of the

commissioner.

- (h) The confidentiality of any medical information submitted by the insured, on behalf of the insured, insurer or health insurance plan, shall be maintained pursuant to applicable state and federal laws.
- Sec. 4. From and after July 1, 2011, K.S.A. 40-22a15 is hereby amended to read as follows: 40-22a15. On and after January 1, 2000July 1, 2011:
 - (a) The commissioner shall:
- (1) Negotiate contracts with external review organizations which are eligible to conduct independent review of the adverse decision by a health insurance plan or insurer;
- (2) allow the insurer or the health insurance plan, an insured or treating physician or health care provider acting on behalf of the insured, or legally authorized designee filing a request for external review to provide additional written information as may be relevant for the commissioner to make a final decision on whether the request qualified for external review;
- (3) make a decision on a request for external review within 10 business days after receiving all necessary information;
- (4) notify the insured and treating physician or health care provider acting on behalf of the insured, or legally authorized designee, and insurer or health insurance plan in writing that a request for external review will or will not be granted; and
- (5) design and implement an expedited procedure for use in an emergency medical condition for purposes of the external review organization rendering a decision.
- (b) The external review organization as defined in subsection (c) of K.S.A. 40-22a13, and amendments thereto, shall provide that all reviews completed pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto, are conducted by qualified and credentialed health care providers with respect to the health care service under review and who have no conflict of interest relating to the performance of the external review organization's duties in K.S.A. 40-22a13 through 40-22a16, and amendments thereto.
- (c) The external review organization shall issue a written decision to the insured and concurrently send a copy of such decision to the commissioner including the basis and rationale for its decision within 30 business days. The standard of review shall be whether the health care service denied by the insurer or health insurance plan was medically necessary under the terms of the insured's contract. In reviews regarding experimental or investigational treatment, the standard of review shall be whether the health care service denied by the insurer or health insurance plan was covered or excluded from coverage under the terms of the insured's contract.
- (d) The external review organization shall provide expedited resolution when an emergency medical condition exists, and shall resolve all issues within seven business daysnot more than 72 hours after the date of receipt of the request for an expedited external review, or as expeditiously as the insured's medical condition or circumstances require.
- (e) The external review organization shall maintain and report such data as may be required by the commissioner in order to assess the effectiveness of the external review process.
- (f) No external review organization nor any individual working on behalf of such organization shall be liable in damages to any insured, health insurance plan or insurer

for any opinion rendered as part of an external review conducted pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

- (g) The external review organization shall maintain confidentiality of the medical records of the insured in accordance to state and federal law.
- (h) The external review organization's fee for performance of any external review may be paid by the commissioner, the insurer or the health insurance plan. In no event shall the insured be held responsible for any portion of such fee.
- Sec. 5. From and after July 1, 2011, K.S.A. 40-22a16 is hereby amended to read as follows: 40-22a16. On and after January 1, 2000 July 1, 2011:
- (a) The decision of the external review organization may be reviewed directly by the district court at the request of either the insured, insurer or health insurance plan. The review by the district court shall be *de novo*. The decision of the external review organization shall not preclude the insured, insurer or health insurance plan from exercising other available remedies applicable under state or federal law. Seeking a review by the district court or any other available remedies exercised by the insured, insurer or health insurance plan after the decision of the external review organization will not stay the external review organization's decision as to the payment or provision of services to be rendered during the pendency of the review by the insurer or health insurance plan. All material used in an external review and the decision of the external review organization as a result of the external review shall be deemed admissible in any subsequent litigation.
- (b) In no event shall more than one external review be available during the same year for any request arising out of the same set of facts during a period of 12 consecutive months commencing on the date of the initial request for external review. An insured may not pursue, either concurrently or sequentially, an external review process under both a federal and state law. In the event external review processes are available pursuant to federal law and this act, the insured shall have the option of designating which external review process will be utilized.
- (c) The commissioner of insurance is hereby authorized to negotiate and enter into contracts necessary to perform the duties required by K.S.A. 40-22a13 through 40-22a16, and amendments thereto.
- (d) The commissioner of insurance shall adopt rules and regulations necessary to carry out the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto. The rules and regulations shall ensure that the commissioner is able to provide for an effective and efficient external review of health care services.
- (e) Except as provided in subsection (a), the decision of the external review organization shall be binding on the insured and the insurer or health insurance plan.
- Sec. 6. K.S.A. 2010 Supp. 40-2122 is hereby amended to read as follows: 40-2122. (a) The following individuals shall be eligible for plan coverage provided they meet the criteria set forth in subsection (b):
 - (1) Any person who has been a resident of this state for at least six months;
- (2) any person who is a legal domiciliary of this state who previously was covered under the high risk pool of another state, provided they apply for coverage under the plan within 63 days of losing such other coverage for reasons other than fraud or nonpayment of premiums;
- (3) any federally defined eligible individual who is a legal domiciliary of this state; or

- (4) any federally defined eligible individual for FTAA.
- (b) Those individuals who are eligible for plan coverage under subsection (a) must provide evidence satisfactory to the administering carrier that such person meets one of the following criteria:
- (1) Such person has had health insurance coverage involuntarily terminated for any reason other than nonpayment of premium;
- (2) such person has applied for health insurance and been rejected by two carriers because of health conditions;
- (3) Such person is a child under the age of 19 years and has been unable to purchase or obtain coverage under an individual health insurance policy providing health insurance coverage, because such coverage is not available for sale in the county in which the child resides:
- (3) (4) such person has applied for health insurance and has been quoted a premium rate which is in excess of the plan rate;
- (4) (5) such person has been accepted for health insurance subject to a permanent exclusion of a preexisting disease or medical condition;
 - (5) (6) such person is a federally defined eligible individual; or
 - $\frac{6}{7}$ such person is a federally defined eligible individual for FTAA.
- (c) Each resident dependent of a person who is eligible for plan coverage shall also be eligible for plan coverage.
 - (d) The following persons shall not be eligible for coverage under the plan:
 - (1) Any person who is eligible for medicare or is eligible for medicaid benefits;
- (2) any person who has had coverage under the plan terminated less than 12 months prior to the date of the current application, except that this provision shall not apply with respect to an applicant who is a federally defined eligible individual;
- (3) any person who has received accumulated benefits from the plan equal to or in excess of the lifetime maximum benefits under the plan prescribed by K.S.A. 40-2124, and amendments thereto:
- (4) any person having access to accident and health insurance through an employersponsored group or self-insured plan, including coverage under the consolidated omnibus budget reconciliation act (COBRA), except that the requirement for exhaustion of any available COBRA or state continuation is waived whenever such person:
- (A) Is eligible for the credit for health care costs under section 35 of the internal revenue code of 1986; and
- (B) has three months of prior creditable coverage as described in subsection (c) of K.S.A. 40-2124, and amendments thereto; or
- (5) any person who is eligible for any other public or private program that provides or indemnifies for health services.
- (e) Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of a policy period.
- (f) All plan members, insurers and insurance arrangements shall notify in writing persons denied health insurance coverage, for any reason, of the availability of coverage through the Kansas health insurance association.
- Sec. 7. K.S.A. 2010 Supp. 40-2124 is hereby amended to read as follows: 40-2124. (a) Coverage under the plan shall be subject to both deductible and coinsurance provisions set by the board. The plan shall offer to current participants and new enrollees no fewer than four choices of deductible and copayment options. Coverage

shall contain a coinsurance provision for each service covered by the plan, and such copayment requirement shall not be subject to a stop-loss provision. Such coverage may provide for a percentage or dollar amount of coinsurance reduction at specific thresholds of copayment expenditures by the insured.

- (b) Coverage under the plan shall be subject to a maximum lifetime benefit of \$2,000,000 \$3,000,000 per covered individual.
- Coverage under the plan shall exclude charges or expenses incurred during the first 90 days following the effective date of coverage as to any condition: (1) Which manifested itself during the six-month period immediately prior to the application for coverage in such manner as would cause an ordinarily prudent person to seek diagnosis. care or treatment; or (2) for which medical advice, care or treatment was recommended or received in the six-month period immediately prior to the application for coverage. In succeeding years of operation of the plan, coverage of preexisting conditions may be excluded as determined by the board, except that no such exclusion shall exceed 180 calendar days, and no exclusion shall be applied to either a federally defined eligible individual provided that application for coverage is made not later than 63 days following the applicant's most recent prior creditable coverage or an individual under the age of 19 years who is eligible for enrollment in the plan under paragraph (3) of subsection (b) of K.S.A. 40-2122, and amendments thereto. For any individual who is eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986, the preexisting conditions limitation will not apply whenever such individual has maintained creditable health insurance coverage for an aggregate period of three months, not counting any period prior to a 63-day break in coverage, as of the date on which such individual seeks to enroll in coverage provided by this act.
- (d) (1) Benefits otherwise payable under plan coverage shall be reduced by all amounts paid or payable through any other health insurance, or insurance arrangement, and by all hospital and medical expense benefits paid or payable under any workers compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.
- (2) The association shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this section.
- New Sec. 8. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on or after July 1, 2011, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained through an optional rider for which an additional premium is paid. The premium for the optional rider shall be calculated so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis.
- (b) No health insurance exchange established within this state or any health insurance exchange administered by the federal government or its agencies within this state shall offer health insurance contracts, plans, or policies that provide coverage for

elective abortions, nor shall any health insurance exchange operating within this state offer coverage for elective abortions through the purchase of an optional rider.

- (c) For the purposes of this section:
- (1) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination of the pregnancy.
- (2) "Elective" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.
 - (d) The provisions of this section shall be effective from and after July 1, 2011.
- Sec. 9. From and after July 1, 2011, K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and, 40-2,184 and section 8, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.
- Sec. 10. From and after July 1, 2011, K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b and, 40-2,184 and section 8, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.
- (b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.
- (c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 11. From and after July 1, 2011, any provisions of section 8 and amendments_thereto, or the application thereof to any person or circumstances is held

invalid, the invalidity shall not affect other provisions or applications of such section which can be given effect without the invalid provisions or application, and to this end, the provisions of section 8, and amendments thereto, are severable.

- Sec. 12. From and after July, 1, 2011, K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-433, 40-2,103 and 40-19c09 are hereby repealed.
 - Sec. 13. K.S.A. 40-2122 and 40-2124 are hereby repealed.
- Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, by striking all in lines 3 through 7 and inserting:

"AN ACT concerning insurance; pertaining to review of healthcare decisions; pertaining to group life insurance; excluding insurance coverage for certain abortions; pertaining to the Kansas uninsurable health plan act; amending K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-2,103, 40-433, 40-19c09, 40-2122 and 40-2124 and repealing the existing sections.";

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

RUTH TEICHMAN
TY MASTERSON
ALLEN C. SCHMIDT
Conferees on part of Senate
CLARK SHULTZ
PHIL HERMANSON
BOB GRANT
Conferees on part of House

On motion of Rep. DeGraaf to adopt the conference committee report on **HB 2075**, Rep. Peck offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Shultz, Hermanson and Grant as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2139** submits the following report:

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

On page 2, by striking all in lines 17 through 43;

By striking all on pages 3 through 5;

On page 6, by striking all in lines 1 through 9, and inserting:

"Sec. 2. K.S.A. 2010 Supp. 40-955, as amended by section 1 of 2011 House Bill No. 2074, is hereby amended to read as follows: 40-955. (a) Every insurer shall file with the commissioner, except as to inland marine risks where general custom of the industry is not to use manual rates or rating plans, every manual of classifications, rules and rates, every rating plan, policy form and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the proposed effective date and the character and extent of the coverage contemplated and shall be accompanied by the

information upon which the insurer supports the filings. A filing and any supporting information shall be open to public inspection after it is filed with the commissioner, except that disclosure shall not be required for any information contained in a filing or in any supporting documentation for the filing when such information is either a trade secret or copyrighted. For the purposes of this section, the term "trade secret" shall have the meaning ascribed to it in K.S.A. 60-3320, and amendments thereto. An insurer may satisfy its obligations to make such filings by authorizing the commissioner to accept on its behalf the filings made by a licensed rating organization or another insurer. Nothing contained in this act shall be construed to require any insurer to become a member or subscriber of any rating organization.

- (b) Certificate of insurance forms must be filed with the commissioner of insurance and approved prior to use. Notwithstanding the "large risk" filing exemption in subsection (j), a certificate of insurance cannot be used to modify, alter or amend the insurance policy it describes. The certificate of insurance shall contain the following or similar language: The certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies listed thereon. An industry standard setting organization may be authorized by the commissioner of insurance to file certificate of insurance forms on behalf of authorized insurers.
- (c) Any rate filing for the basic coverage required by K.S.A. 40-3401 et seq. and amendments thereto, loss costs filings for workers compensation, and rates for assigned risk plans established by article 21 of chapter 40 of the Kansas Statutes Annotated or rules and regulations established by the commissioner shall require approval by the commissioner before its use by the insurer in this state. As soon as reasonably possible after such filing has been made, the commissioner shall in writing approve or disapprove the same, except that any filing shall be deemed approved unless disapproved within 30 days of receipt of the filing.
- (d) Any other rate filing, except personal lines filings, shall become effective on filing or any prospective date selected by the insurer, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fails to meet the requirements of this act. Personal lines rate filings shall be on file for a waiting period of 30 days before becoming effective, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fail to meet requirements of this act. The term "personal lines" shall mean insurance for noncommercial automobile, homeowners, dwelling fire-and-renters insurance policies, as defined by the commissioner by rules and regulations. A filing complies with this act unless it is disapproved by the commissioner within the waiting period or pursuant to subsection (f).
- (e) In reviewing any rate filing the commissioner may require the insurer or rating organization to provide, at the insurer's or rating organization's expense, all information necessary to evaluate the reasonableness of the filing, to include payment of the cost of an actuary selected by the commissioner to review any rate filing, if the department of insurance does not have a staff actuary in its employ.
- (f) (1) (A) If a filing is not accompanied by the information required by this act, the commissioner shall promptly inform the company or organization making the filing. The filing shall be deemed to be complete when the required information is received by the commissioner or the company or organization certifies to the commissioner the

information requested is not maintained by the company or organization and cannot be obtained.

- (B) If the commissioner finds a filing does not meet the requirements of this act, the commissioner shall send to the insurer or rating organization that made the filing, written notice of disapproval of the filing, specifying in what respects the filing fails to comply and stating the filing shall not become effective.
- (C) If at any time after a filing becomes effective, the commissioner finds a filing does not comply with this act, the commissioner shall after a hearing held on not less than 10 days' written notice to every insurer and rating organization that made the filing issue an order specifying in what respects the filing failed to comply with the act, and stating when, within a reasonable period thereafter, the filing shall be no longer effective. Copies of the order shall be sent to such insurer or rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.
- (2) (A) In the event an insurer or organization has no legally effective rate because of an order disapproving rates, the commissioner shall specify an interim rate at the time the order is issued. The interim rate may be modified by the commissioner on the commissioner's own motion or upon motion of an insurer or organization.
- (B) The interim rate or any modification thereof shall take effect prospectively in contracts of insurance written or renewed 15 days after the commissioner's decision setting interim rates.
- (C) When the rates are finally determined, the commissioner shall order any overcharge in the interim rates to be distributed appropriately, except refunds to policyholders the commissioner determines are de minimis may not be required.
- (3) (A) Any person or organization aggrieved with respect to any filing that is in effect may make written application to the commissioner for a hearing thereon, except that the insurer or rating organization that made the filing may not proceed under this subsection. The application shall specify the grounds to be relied on by the applicant.
- (B) If the commissioner finds the application is made in good faith, that the applicant would be so aggrieved if the applicant's grounds are established, and that such grounds otherwise justify holding such a hearing, the commissioner shall, within 30 days after receipt of the application, hold a hearing on not less than 10 days' written notice to the applicant and every insurer and rating organization that made such filing.
- (C) Every rating organization receiving a notice of hearing or copy of an order under this section, shall promptly notify all its members or subscribers affected by the hearing or order. Notice to a rating organization of a hearing or order shall be deemed notice to its members or subscribers.
- (g) No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.
- (1) On an application for personal motor vehicle insurance where the applicant has applied for collision or comprehensive coverage, the applicant shall be allowed to identify a lienholder listed on the certificate of title for the motor vehicle described in the application.
- (2) On an application for property insurance on real property, the applicant shall be allowed to identify a mortgagee listed on a mortgage for the real property described in the application.
 - (h) The commissioner may adopt rules and regulations to allow suspension or

modification of the requirement of filing and approval of rates as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used.

- (i) Except for workers compensation and employer's liability line, the following categories of commercial lines risks are considered special risks which are exempt from the filing requirements in this section: (1) Risks that are written on an excess or umbrella basis; (2) commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including "a" rates; (3) large risks; and (4) special risks designated by the commissioner, including but not limited to risks insured under highly protected risks rating plans, commercial aviation, credit insurance, boiler and machinery, inland marine, fidelity, surety and guarantee bond insurance risks.
- (j) For the purposes of this subsection, "large risk" means: (1) An insured that has total insured property values of \$5,000,000 or more; (2) an insured that has total annual gross revenues of \$10,000,000 or more; or (3) an insured that has in the preceding calendar year a total paid premium of \$50,000 or more for property insurance, \$50,000 or more for general liability insurance, or \$100,000 or more for multiple lines policies.
- (k) The exemption for any large risk contained in subsection (h) shall not apply to workers compensation and employer's liability insurance, insurance purchasing groups, and the basic coverage required by K.S.A. 40-3401 et seq., and amendments thereto.
- (l) Underwriting files, premium, loss and expense statistics, financial and other records pertaining to special risks written by any insurer shall be maintained by the insurer and shall be subject to examination by the commissioner.
- (m) (1) Any entity that purchases a workers compensation policy for the covered employees of more than one employer pursuant to a shared employment relationship with each employer must purchase the workers compensation policy on a separate multiple coordinate policy basis. Such workers compensation policies must be issued pursuant to K.S.A. 44-501 et seq., and amendments thereto, from an insurer holding a certificate of authority to do business in this state and providing workers compensation coverage.
- (2) The commissioner of insurance may allow an insurer to issue coverage through a master policy if the commissioner is satisfied that the insurer is able to track and report individual client experience to the advisory organization in an acceptable fashion. All such master policies must be filed with the commissioner for prior approval.
- (3) The commissioner of insurance shall be authorized to adopt such rules and regulations as are reasonable and necessary to carry out the purpose and the provisions of this subsection.";
- On page 9, in line 13, following "40-955" by inserting: ", as amended by section 1 of 2011 House Bill No. 2074,";

On page 1, in the title, in line 4 following "40-955" by inserting: ", as amended by section 1 of 2011 House Bill No. 2074";

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

Ruth Teichman
Ty Masterson
Allen C. Schmidt
Conferees on part of Senate

CLARK SHULTZ
PHIL HERMANSON
BOB GRANT
Conferees on part of House

On motion of Rep. Shultz to adopt the conference committee report on **HB 2139**, Rep. Kleeb offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

The substitute motion prevailed.

Speaker pro tem Vickrey thereupon appointed Reps. Shultz, Hermanson and Grant as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 76** submits the following report:

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

On page 1, by striking all in lines 7 through 33;

By striking all on pages 2 through 5 and inserting:

"Section 1. K.S.A. 2010 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act:

- (a) "Act" means the bingo act.
- (b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2010 Supp. 79-4717, and amendments thereto.
 - (c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.
- (d) "Bingo card" or "card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.
- (e) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.
- (f) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

"Call bingo" shall not include any game utilizing an electronic or computerized card system.

- (g) "Department" means the department of revenue.
- (h) "Director" means the director of taxation.
- (i) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.
- (j) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players; and (6) which does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines. Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets of; (2) by matching a letter, number or symbol under a tab of an instant bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

"Instant bingo" shall not include any game utilizing electronically generated or computer-generated tickets.

- (k) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo, whether or not a written lease has been entered into and submitted to the administrator as required in subsection (c) of K.S.A. 79-4703, and amendments thereto, and includes all political subdivisions and other public agencies.
- (l) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo pursuant to K.S.A. 79-4701 et seq., and amendments thereto.
- (m) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game, but not more than \$50.
- (n) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo and any admission fees or charges less amounts actually paid as prizes in games of bingo and any tax payable by the licensee.
- (o) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created

as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

- (p) "Nonprofit charitable organization" means any organization which is organized and operated for:
- (1) The relief of poverty, distress, or other condition of public concern within this state; or
- (2) for financially supporting the activities of a charitable organization as defined in paragraph (1); or
- (3) for conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c) (5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.
- (q) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.
- (r) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.
- (s) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of

1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

- (t) "Person" means any natural person, corporation, partnership, trust or association.
- (u) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.
- (v) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.
- (w) "Regular game of bingo" means any game of bingo which is subject to the 25 game limit; and \$50 prize limit and the \$1 charge limit imposed under subsections (g), (h) and (j) of by K.S.A. 79-4706, and amendments thereto.
 - (x) "Secretary" means the secretary of revenue or the secretary's designee.
 - (y) "Session" means a day on which a licensee conducts games of bingo.
- Sec. 2. K.S.A. 2010 Supp. 79-4706 is hereby amended to read as follows: 79-4706. Games of bingo shall be managed, operated and conducted in accordance with the bingo act and rules and regulations adopted pursuant thereto and the following restrictions:
- (a) The entire gross receipts received by any licensee from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes on games of bingo imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the licensee permitted to conduct that game.
- (b) Games of bingo managed, conducted or operated by a licensee, shall be managed, conducted or operated only by a bona fide member or spouse of a bona fide member of the licensee or parent organization or an auxiliary unit or society of such licensee or of the beneficiary organization. During each session of bingo there must be at least one member of the licensee organization on duty and assisting with the game. Such member must be listed with the office of charitable gaming.
- (c) No lessor, employee of such lessor or employee, officer or shareholder of a for profit corporation which is the lessor shall play any game of bingo or participate in any drawing on premises leased by any such lessor nor shall such person be responsible for or assist in the management, operation or conduct of any game of bingo or drawing on such premises.
- (d) No person may participate in the management, conduct or operation of bingo games by a licensee if such person, within five years prior to such participation, has been convicted of or pleaded guilty or *nolo contendere* to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.
- (e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo managed, conducted or operated by a licensee. Food offered in the course of a volunteer duty shift and consumed on the premises shall not be considered remuneration, provided the retail value of such food offered does not exceed \$10 per volunteer.
- (f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by a licensee in a single session to winners of games of regular and special call bingo shall not exceed \$1,200. The value of a prize awarded in a

progressive or mini bingo game shall not be included when determining the limit imposed by this subsection. Any monetary prize of \$500 or more awarded in games of bingo shall be paid by a check drawn on the bingo trust bank account of the licensee. Any monetary prize awarded in games of bingo shall be paid by a check on the bingo trust bank account of the licensee upon the request of the winner of such award.

- (g) The total number of regular, special and progressive call bingo games managed, operated or conducted by any licensee in any session shall not exceed 25 and not more than five of such games shall be special games. Not more than one licensee may conduct bingo games at a given location or registered premises in any one session.
- (h) The prize awarded by a licensee in any one regular call bingo game shall not exceed \$50. The prize in any one special call bingo game shall not exceed \$500.
- (i) The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.
- (j) The charge made by a licensee for a bingo card or equivalent number of bingo faces to play in regular bingo games in any one session shall not exceed \$1. Such bingo card or equivalent number of bingo faces shall be valid for all such regular bingo games conducted or operated by the licensee in any one session. The charge made by a licensee for a single bingo card or bingo face to play in any single, mini or progressive special game shall not exceed \$1. The charge made by a licensee for a single instant bingo ticket shall not exceed \$1.
- (k) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any one week.
- (I) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.
- (m) Each licensee shall keep a record of all games of bingo managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.
- (n) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted by a licensee under the provisions of this act and no licensee shall sell any instant bingo ticket to a person under the age of 18 years.
- (o) A lessor of premises used for the management, operation or conduct of games of bingo or a licensee may not advertise games of bingo except to the extent and in the manner prescribed by the rules and regulations adopted pursuant to the bingo act. Any advertisement of any game of bingo by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting such game. The announcement of the cancellation of a game of bingo shall not be considered to be an advertisement.
- (p) (1) Except as provided by paragraph (2) of this subsection, no game of chance or contest where a prize is awarded, other than games of bingo, shall be conducted on any premises where licensees are conducting games of bingo, where the intent of such game of chance or contest is to induce participation in such games of bingo.
- (2) One drawing during a session may be conducted by the licensee or the lessor of the premises. Only a nonmonetary prize having a value not exceeding \$25 shall be awarded to the winner of such drawing. There shall be no charge for participation in such drawing. There shall be no requirement to purchase anything of value in order to participate in such drawing. No more than four of such drawings shall be conducted by

each licensee or lessor during any calendar year.

- (q) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the administrator.
- (r) No premises shall be used for the management, operation or conduct of games of bingo by licensees on more than three calendar days in any one week.
- (s) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted by licensees, whether or not the multiple premises have different addresses.
- (t) No game of bingo shall be managed, operated or conducted by licensees on leased premises if at any time during the immediately preceding 44 hours the premises, or any leased premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.
- (u) Every licensee who has gross receipts of \$1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any games of bingo in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any games of bingo, except payment of prizes of less than \$200. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the administrator of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the administrator to audit at any reasonable time.

The records required under this subsection are in addition to all other records required to be kept by the licensee. The records required by this subsection shall be maintained in the same place as all other records required to be kept by the licensee.

- (v) No instant bingo ticket shall be sold by a licensee more than one hour two hours prior to the start of the first regular or special game of call bingo of a session or one hour after the termination of the last game of call bingo operated or conducted by the licensee for such session.
- (w) No licensee shall purchase or obtain bingo faces or instant bingo tickets from any person or entity other than a distributor registered pursuant to K.S.A. 79-4712a, and amendments thereto.
- (x) All instant bingo tickets sold or distributed to licensees shall bear on the face thereof a unique serial number which shall not be repeated on the same manufacturer's form number less than every three years. All instant bingo tickets shall be sold or distributed in boxes. Each box shall be sealed by the manufacturer with a seal which includes a warning to the purchaser that the box may have been tampered with if the box was received by the purchaser with the seal broken. Each box of instant bingo tickets shall contain tickets printed in such a manner as to insure that at least 60% of the gross revenues generated by the ultimate sale of all tickets from such box shall be returned to the final purchasers of such tickets. No box of instant bingo tickets may be opened by a licensee unless all tickets contained in a previously opened box with the

same form number have been sold.

- (y) Each box of instant bingo tickets sold or distributed to licensees shall be accompanied by a flare which contains the following information: (1) The name of the game; (2) the manufacturer's name or logo; (3) the game form number; (4) the ticket count in the game; (5) the prize structure for the game, which includes the number of winning tickets by denomination and their respective winning symbol or number combinations; (6) the cost per ticket; (7) the game serial number; (8) the winning numbers or symbols for the top three winning tiers set out in such a manner that each prize may be marked off as the prize is won and awarded; (9) the business name of the distributor; and (10) if sold or distributed to a licensee under the bingo act, the Kansas bingo license number of the licensee to which the game is sold.
- (z) (1) No progressive game may exceed 20 consecutive sessions conducted by a licensee prior to the awarding of the established prize.
- (2) No more than two progressive bingo games may be conducted in any one session.
- (3) A prize for a progressive game may start at an amount not to exceed \$250 and may be increased by no more than \$100 for each session during which the progressive game is continued. The prize awarded at the end of any progressive game shall not exceed \$1.000 \$400.
- (4) If the progressive bingo game prize is not awarded at a bingo session, the progressive bingo game shall be continued at a future occasion until such time a winner is determined. The winning prize shall be the full amount. If there is no winner of a progressive bingo game at a session, a stated consolation prize in an amount not to exceed \$250 \$400 may be awarded. Any consolation prize shall be less than the value of the progressive bingo game prize amount.
- (5) All progressive bingo games and rules for such games shall be described fully and posted in the house rules prior to the start of the session. Such games shall comply with requirements imposed under the bingo act and any rules and regulations adopted pursuant thereto.
- (6) When a person achieves the first preannounced winning combination, the game shall be completed and the next progressive bingo game and winning combination shall be commenced with a new bingo card or face and all objects or balls in the receptacle.
- (7) The rules for a progressive bingo game shall remain in effect until the game ends and the winner is determined.
- (8) Progressive bingo games may not be conducted in conjunction with a session of bingo conducted at a location other than that specified in the license as authorized by subsection (c) of 79-4703, and amendments thereto.
- (9) A licensee shall not cease bingo operations unless all progressive bingo games are completed and prizes are awarded, unless prior approval has been received from the secretary.
- (aa) Except as specifically provided by rules and regulations adopted pursuant to the bingo act, the distribution, sale or use of bingo cards is prohibited from and after July 1, 2003, and thereafter, only bingo faces shall be distributed, sold or used in call bingo games operated and conducted by licensees.
- (bb) Only three games of There shall be no limit on the number of games of instant bingo, in which the winner or winners of such game is determined by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number

or symbol in a designated call game of bingo during the same session shall be, which may be played in any one session. There shall be no limit on the number of instant bingo tickets which may be sold for participation in any such game of instant bingo.

- (cc) The total number of mini games of bingo managed, operated or conducted by a licensee during a session shall not exceed 20 30 games. No mini bingo game shall be conducted by a licensee more than one hour two hours prior to the first regular or special game of call bingo operated or conducted by the licensee for such session, or one hour after the commencement termination of, the first last regular or special game of call bingo operated or conducted by the licensee for such session.
 - Sec. 3. K.S.A. 2010 Supp. 79-4701 and 79-4706 are hereby repealed.
- Sec. 4. 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 1, by striking all after "ACT"; by striking all in lines 2 through 4, and inserting "concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.";

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

Brenda K. Landwehr
Owen Donohoe
Geraldine Flaharty
Conferees on part of House
Vicki Schmidt
Pete Brungardt
Laura Kelly
Conferees on part of Senate

On motion of Rep. Landwehr to adopt the conference committee report on **SB 76**, Rep. Phelps offered a motion to adjourn until Friday, May 13, 2011, at 9:00 a.m.

Roll call was demanded.

On roll call, the vote was: Yeas 36; Nays 87; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Pottorff, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfreid, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Shultz.

The motion of Rep. Phelps did not prevail and the question reverted back to the motion of Rep. Landwehr to adopt the conference committee report on **SB 76**. The motion prevailed.

On roll call, the vote was: Yeas 86; Nays 38; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Colloton, Crum, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, M. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Kuether, Landwehr, Loganbill, Mah, McCray-Miller, McLeland, Meier, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Phelps, Powell, Prescott, Proehl, Roth, Ryckman, Schwab, Schwartz, Seiwert, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Arpke, Aurand, Bollier, Brown, Burroughs, Carlin, Collins, Davis, DeGraaf, Denning, Dillmore, Frownfelter, D. Gatewood, Hayzlett, Hineman, C. Holmes, Howell, Kelley, Kinzer, Knox, Lane, Mast, Meigs, Mosier, Moxley, Patton, Pauls, Peterson, Pottorff, Rhoades, Rubin, Ruiz, Scapa, Schroeder, Shultz, Tyson, Vickrey, Worley.

Present but not voting: None.

Absent or not voting: None.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to House Rule 2311, House Rule 1704 was suspended for the purpose of allowing Reps. Rhoades and Feuerborn to speak more than twice on **HB 2014**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2014** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2014, as follows:

On page 1 by striking all in lines 8 through 36;

By striking all on pages 2 through 24, and by inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

- (b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.
 - (c) This act shall be known and may be cited as the omnibus appropriation act of

2011 and shall constitute the omnibus reconciliation spending limit bill for the 2011 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702, and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

AGCO Corporation PO Box 4000 Hesston, KS 67062\$7,801.70
America Jet 2010 Rogers Ct Salina, KS 67401 \$218.16
Armstrong, Harold 8920 Parallel Rd Frankfort, KS 66427\$81.00
Bailey, Leland E 4747 NW 86th St Topeka, KS 66618
Barton County Highway Dept PO Box 518 Great Bend, KS 67530\$360.58
Boden, Ignatz 958 Hwy 128 Mankato, KS 66956
Bretton, Darrell 2037 E 1300 Rd Kensington, KS 66951
Buller, Elizabeth 328 Rd 370 Council Grove, KS 66846\$182.52
Carter, Calvin 1072 Road 26 Sedan, KS 67361
City of Concordia 701 Washington

Concordia, KS 66901	\$3,030.79
City of Eldorado PO Box 792 El Dorado, KS 67042	\$957.29
Decatur County Feed Yard LLC 2361 Hwy 83 Oberlin, KS 67749	\$218.59
Dreier, Robert A 3328 W Dutch Ave Hesston, KS 67062	\$42.60
Elliott, Blake 787 Paint Rd Hope, KS 67451	\$613.22
Ford County Feed Yard Inc 12466 US Hwy 400 Ford, KS 67842	\$380.16
Frazee, Dennis R 2325 US Hwy 36 Sabetha, KS 66534	\$43.32
Gering, Martin F 1729 Rawlins Rd Atchison, KS 66002	\$33.00
Hambelton, Paul 14619 Edgerton Rd Gardner, KS 66030	\$45.72
J & G Inc 10200 E Road 170 Scott City, KS 67871	\$122.76
Jirak Farms Inc 1476 320th Tampa, KS 67483	\$33.00
Kinsley Country Club 510 E 7th Kinsley, KS 67547	\$21.24
Marlatt Construction Co Inc	

17588 274th Rd Atchison, KS 66002\$1,15	50.11
Meisinger, Richard 1522 260th	
Marion, KS 66861)2.36
15590 Washington Rd Norton, KS 67654	64.76
Peterson Farms & Livestock Inc 10729 S Simpson Rd	
Assaria, KS 67416	38.10
Preston, Fred PO Box 353	
Howard, KS 67349\$4	15.00
Rau Farms Partnership	
13901 E 47th S Derby, KS 67037\$1	10.56
Delby, KS 6/03/\$1	9.30
Solomon Corp PO Box 245	
Solomon, KS 67480\$24	13.00
Tallian Dia III-	
Talkington, Phyllis 423 A R Road	
Matfield Green, KS 66862\$8	36.04
Troyer, Neal L	
1577 40th Rd	30.7 6
Yates Center, KS 66783	28.76
True, Lynn M	
120 West 3rd St Smith Center, KS 66967\$33	35.88
	73.00
TWB Inc 922 Crazy Horse Rd	
Hutchinson, KS 67502\$60)2.21
USD 231 Gardner Edgerton	
PO Box 97 Gardner, KS 66030\$3,93	35.11
USD 489 Hays	

323 West 12th Hays, KS 67601 \$823.45
Wildcat Concrete Serv Inc PO Box 750075 Topeka, KS 66675
Lansing, KS 66043\$108.00
(b) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado facility — facilities operations account of the state general fund for audiocassettes lost by staff, to the following claimant: Nasif Gadelkarim #48278 PO Box 1568
Hutchinson, KS 67504\$130.00
(c) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield facility — facilities operations account of the state general fund for damage to a television set, to the following claimant: Eugene Jackson #66395 PO Box 311
El Dorado, KS 67042\$80.68
(d) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing facility — facilities operations account of the state general fund for a pair of boots lost while in the custody of staff, to the following claimant: Joseph Carlos Jones #59134
PO Box 2 Lansing, KS 66043\$59.90
(e) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental health facility – facilities operations account of the state general fund for a pair of sweat shorts lost while in the custody of staff, to the following claimant: Jorge Jovel #85033 LCMHF 1318 Ks Hwy 264 Larned, KS 67550
(f) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility – facilities operations account

of the sate general fund for a picture destroyed by staff, to the following claimant: Austin T. Mason #80464 PO Box 2 Lansing, KS 66043\$18.00
(g) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for lost property while in the custody of staff, to the following claimant: Michael P O'Neill #81296 PO Box 2
Lansing, KS 66043
(h) The department of corrections is hereby authorized and directed to pay the following amount from the Norton correctional facility – facilities operations account of the state general fund for magazines confiscated by staff, to the following claimant: Micky poor Owens #94516
PO Box 546 Norton, KS 67654\$6.00
(i) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield correctional facility — facilities operations account of the state general fund for lost property in the custody of staff, to the following claimant: Adrian M. Requena #48877 PO Box 1568
Hutchinson, KS 67504\$24.19
(j) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility — facilities operations account of the state general fund for a radio lost while in the custody of staff, to the following claimant: Antonio Toro #91574 PO Box 2
Lansing, KS 66043
Sec. 4. The Kansas department of wildlife and parks is hereby authorized and directed to pay the following amount from the wildlife fee fund for bobcat skins damaged while in the custody of the department, to the following claimant: Dan Barrow Dan Barrow Trading Co. Inc. 204 Central Ave PO Box 93
Denison, KS 66419\$5,280.00
Sec. 5. (a) The Kansas highway patrol is hereby authorized and directed to pay the following amount from the Kansas highway patrol operations fund for payment of

medical expenses of a prisoner in custody, to the following claimant:

Kansas University Physicians Inc

c/o E. Lou Bjorgaard Probasco

Attorney and Agent

615 SW Topeka Blvd

Topeka, KS 66603......\$12,477.14

(b) The Kansas highway patrol is hereby authorized and directed to pay the following amount from the Kansas highway patrol operations fund for payment of medical expenses of two prisoners in custody, to the following claimant:

University of Kansas Hospital Authority

c/o E. Lou Bjorgaard Probasco

Attorney and Agent

615 SW Topeka Blvd

Topeka, KS 66603......\$112,938.90

Sec. 6. The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund for reimbursement of the overpayment of sales taxes from 2007 through mid 2010, to the following claimant:

Saunge, Inc

PO Box 553

Inman, KS 67546......\$7,064.10

Sec. 7. The department of health and environment is hereby authorized and directed to pay the following amount from the underground petroleum storage tank release trust fund for reimbursement of expenses incurred for tests required by the department on a gasoline storage tank, to the following claimant:

Marlin Carson

66 Food Mart, Inc

733 Village Court

Sec. 8. The university of Kansas is hereby authorized and directed to pay the following amount from the general fees fund for reimbursement of overpayment of tuition due to an error in the determination of the residency status of a student, to the following claimant:

Fred H. Fishman

3006 Wildwood Court

North Newton, KS 67117......\$12,302.40

- Sec. 9. (a) Except as otherwise provided by sections 2 through 8, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.
- (b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided

by sections 2 through 8, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 10.

ATTORNEY GENERAL - KANSAS BUREAU OF INVESTIGATION

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Project safe neighborhoods fund......\$114,408 Social security administration reimbursement – federal fund......No limit

Sec. 11.

ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the abstracters' fee fund of the abstracters' board of examiners is hereby decreased from \$24,088 to \$23,419.

Sec. 12.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the governmental ethics commission fee fund of the governmental ethics commission is hereby decreased from \$291,764 to \$263,176.

Sec. 13.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 11(b) of chapter 165 of the 2010 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from \$35,750 to \$16,800.

Sec. 14.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the board of nursing fee fund of the board of nursing is hereby increased from \$1,904,365 to \$1,952,425.

Sec. 15.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, there is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds,

except that expenditures other than refunds authorized by law shall not exceed the following:

Provided, however, That all moneys received for such grants, donations, bequests or gifts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: Provided further, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: And provided further, That all expenditures from this fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the state board of pharmacy fee fund to the state board of pharmacy litigation fund.

Sec. 16.

KANSAS REAL ESTATE COMMISSION

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,123,206 to \$1,028,342.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the real estate recovery revolving fund to the real estate fee fund.

Sec. 17.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$800,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 18.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the technical

professions fee fund of the state board of technical professions is hereby increased from \$589,122 to \$609,122.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on expenditures for official hospitality from the technical professions fee fund of the state board of technical professions is hereby increased from \$500 to \$1,000.

Sec. 19.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$268,382 to \$265,522.

Sec. 20.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,350,937 from the Kansas endowment for youth fund to the children's initiatives fund.

Sec. 21.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) In addition to the other purposes for which expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for the office of administrative hearings as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for official hospitality: *Provided*, That expenditures from the administrative hearings office fund for fiscal year 2011 for official hospitality shall not exceed \$100.

Sec. 22.

DEPARTMENT OF COMMERCE

- (a) On the effective date of this act, of the \$307,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 67(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$61,410 is hereby lapsed.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 67(b) of chapter 165 of the 2010 Session Laws of Kansas on the state affordable airfare fund of the department of commerce is hereby increased from \$5,000,000 to \$5,125,000.
- (c) On the effective date of this act, the amount directed by section 67(e) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on December 15, 2010, or as soon thereafter as moneys are available, is hereby decreased from \$625,000 to \$232,482: *Provided*, That, on the effective date of this act, any moneys transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on or after December 15, 2010, pursuant to section 67(e) of chapter 165 of the 2010 Session Laws of Kansas, shall be transferred from the Kansas economic

opportunity initiatives fund of the department of commerce to the state economic development initiatives fund by the director of accounts and reports.

Sec. 23.

CITIZENS' UTILITY RATEPAYER BOARD

- (a) (1) On and after the effective date of this act, notwithstanding the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas or any other statute, no expenditures shall be made for fiscal year 2011 from the utility regulatory fee fund by the citizens' utility ratepayer board of the amount equal to the final aggregate amount of unexpended and unencumbered expenditure authority for fiscal year 2010, pursuant to and as authorized for expenditure for fiscal year 2011 as provided by section 47(c) of chapter 124 of the 2009 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.
- (2) On and after the effective date of this act, during the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2011 as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by section 47(a) of chapter 124 of the 2009 Session Laws of Kansas are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.

Sec. 24.

STATE CORPORATION COMMISSION

- (a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2011, by section 59(b) of chapter 165 of the 2010 Session Laws of Kansas on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from \$16,468,621 to \$16,628,381.
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- (c) On the effective date of this act, the base state registration clearing fund of the state corporation commission is hereby redesignated as the unified carrier registration clearing fund of the state corporation commission, in accordance with K.S.A. 66-1.139a, and amendments thereto.
- (d) On the effective date of this act, the pipeline damage prevention grant program federal fund of the state corporation commission is hereby redesignated as the one call federal fund.

Sec. 25.

KANSAS, INC.

(a) On the effective date of this act, of the \$346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 68(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$88,756 is hereby lapsed.

Sec. 26.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following: Operations, assistance and grants (including official hospitality)......

\$71,426 Sec. 27.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 65(b) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2011, is hereby decreased from \$70,400,000 to \$68,800,000.

Sec. 28.

KANSAS RACING AND GAMING COMMISSION

There is appropriated for the above agency from the following special revenue

- (b) On the effective date of this act, the director of accounts and reports shall transfer \$5,000 from the state racing fund of the Kansas racing and gaming commission to the illegal gambling enforcement fund of the Kansas racing and gaming commission.
- (c) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing reimbursable expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (d) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing investigative expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.

- (e) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse fair racing benefit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (f) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing applicant deposit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.
- (g) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse purse fund to the Kansas horse breeding development fund. On June 30, 2011, all liabilities of the horse purse fund are hereby transferred to and imposed on the Kansas horse breeding development fund and the horse purse fund is hereby abolished.
- (h) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the gaming machine examination fund to the expanded lottery act regulation fund. On June 30, 2011, all liabilities of the gaming machine examination fund are hereby transferred to and imposed on the expanded lottery act regulation fund and the gaming machine examination fund is hereby abolished.

Sec. 29.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$124,265 from the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue to the state economic development initiatives fund.

Sec. 30.

SECRETARY OF STATE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$82,010 from the HAVA ELVIS fund of the secretary of state to the democracy fund of the secretary of state to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Sec. 31.

STATE TREASURER

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings program trust fund of the state treasurer is hereby increased from \$265,000 to no limit.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings expense fund of the state treasurer is hereby increased from \$346,043 to no limit.
- (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

 accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the \$727,436 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative coordinating council – operations account, the sum of \$20 is hereby lapsed.

- (b) On the effective date of this act, of the \$3,215,664 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the office of revisor of statutes operations account, the sum of \$2,425 is hereby lapsed.
- (c) On the effective date of this act, of the \$3,684,673 appropriated for the above agency for the fiscal year ending June 30, 2011 by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative research department operations account, the sum of \$12,223 is hereby lapsed.

Sec. 33.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4,413 is hereby lapsed.

Sec. 34.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance	\$5,444,990
Community based services	\$4,263,900
Mental health and retardation services aid and assistance	\$5,350,166
Youth services aid and assistance	\$4,413,425

- (b) On the effective date of this act, of the \$541,802 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$250,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the family centered system of care account, the sum of \$150,000 is hereby lapsed.
- (d) On the effective date of this act, of the \$1,400,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the child care account, the sum of \$163 is hereby lapsed.
- (e) On the effective date of this act, of the \$8,443,161 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the children's cabinet early childhood discretionary grant program account, the sum of \$251,003 is hereby lapsed.
- (f) On the effective date of this act, of the \$3,452,779 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early headstart account, the sum of \$306 is hereby lapsed.
- (g) On the effective date of this act, of the \$11,099,830 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the early childhood block grant account, the sum of \$1,062,207 is hereby lapsed.

- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 77(b) of chapter 165 of the 2010 Session Laws of Kansas on the social welfare fund of the department of social and rehabilitation services is hereby decreased from \$39,303,198 to \$39,186,535.
- (i) On the effective date of this act, of the \$3,822,570 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service new state security hospital account, the sum of \$839,561 is hereby lapsed.
- (j) On the effective date of this act, of the \$2,584,371 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service state hospitals rehabilitation and repair account, the sum of \$7,161 is hereby lapsed.
- (k) On the effective date of this act, of the \$14,342,009 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Osawatomie state hospital operating expenditures account, the sum of \$500,000 is hereby lapsed.
- (1) On the effective date of this act, of the \$4,524,298 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Rainbow mental health facility operating expenditures account, the sum of \$250,000 is hereby lapsed.
- (m) On the effective date of this act, of the \$10,447,821 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center operating expenditures account, the sum of \$63,618 is hereby lapsed.
- (n) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

Energy conservation improvement debt service......\$63,618

Sec. 35.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

LTC – medicaid as	sistance – TCM/FE	\$25,169
LTC – medicaid as	sistance – HCBS/FE	\$2,263,079
LTC - medicaid ass	cictance – NF	\$10.142.156

- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 75(b) of chapter 165 of the 2010 Session Laws of Kansas on the state licensure fee fund of the department on aging is hereby decreased from \$1,144,569 to \$1,115,927.
- (c) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2010 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: *Provided further*, That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp 75-7435, and amendments thereto.

Sec. 36

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance.....\$30,526,618

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the medical programs fee fund of the Kansas health policy authority is hereby increased from \$54,284,610 to \$54,480,402.

- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the other state fees fund of the Kansas health policy authority is hereby increased from \$0 to \$502,180.
- (d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the health care access improvement fund of the Kansas health policy authority is hereby decreased from \$37,390,236 to \$34,700,000.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the preventive health care program fund of the Kansas health policy authority is hereby increased from \$519,240 to \$656,100.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(b) of chapter 165 of the 2010 Session Laws of Kansas on the health committee insurance fund of the Kansas health policy authority is hereby increased from \$248,575 to \$290,117.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the state workers compensation self-insurance fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$3,724,910 to \$3,785,193: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: Provided further, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the

cafeteria benefits fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$2,324,247 to \$2,324,908: Provided, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: Provided further; That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

- (i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the dependent care assistance program fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$226,327 to \$429,628: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the dependent care assistance program fund: *Provided further*; That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.
- (j) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

- (a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:
- (b) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Teen pregnancy prevention activities \$100,000 Pregnancy maintenance initiative \$100,000

Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 39.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

- (b) On the effective date of this act, of the \$457,394 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures administration account, the sum of \$15,241 is hereby lapsed.
- (c) On the effective date of this act, of the \$1,173,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures veteran services account, the sum of \$26,050 is hereby lapsed.
- (d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas commission on veterans affairs as authorized by section 72 of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas commission on veterans affairs from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 for medicare billing software: *Provided*, That the aggregate amount of such expenditures for fiscal year 2011 for medicare billing software shall not exceed \$20,000.
- (e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$288,000 to no limit.
- (f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$270,000 to no limit.
- (g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$188,000 to no limit.
- (h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$360,000 to no limit.

Sec. 40.

DEPARTMENT OF EDUCATION

(a)(1) During the fiscal year ending June 30, 2011, on or before June 1, 2011, the commissioner of education, the director of legislative research and the director of the budget shall jointly determine the amount of moneys that are required to satisfy the maintenance of state financial support provisions of the federal individuals with disabilities education act, as amended, for the fiscal year ending June 30, 2011, based on recent estimates and other available information pertaining thereto, and shall jointly

certify the amount so determined to the director of accounts and reports.

- (2) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is more than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency.
- (3)(A) On June 3, 2011, of the \$291,602,545 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the KPERS employer contributions account, the sum determined by the director of accounts and reports as prescribed in subsection (a)(3)(B) is hereby lapsed.
- (B) On or before June 3, 2011, the director of accounts and reports shall determine the sum equal to \$69,201,035 reduced by the amount equal to the amount transferred on June 3, 2011, from the KPERS employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.
- (4) (A) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is less than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the special education services aid account of the state general fund of the above agency to the general state aid account of the state general fund of the above agency.
- (B) On July 1, 2011, there is appropriated for the above agency for the fiscal year ending June 30, 2012, from the state general fund in the general state aid account, the amount equal to the sum determined by the director of accounts and reports as prescribed in subsection (a)(4)(A).
- (5) At the same time that such joint certification is transmitted to the director of accounts and reports pursuant to subsection (a)(1), the commissioner of education, the director of legislative research and the director of the budget shall jointly transmit a copy of such certification to the speaker of the house of representatives, the speaker pro tem of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the chairperson of the committee on appropriations of the house of representatives, the chief clerk of the house of representatives, the president of the senate, the vice-president of the senate, the majority leader of the senate, the minority leader of the senate, the chairperson of the committee on ways and means of the senate and the secretary of the senate.
- (b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

 Special education services aid......\$21,240,000
- (c) On the effective date of this act, of the \$1,961,339,680 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$85,089,248 is hereby lapsed.
- (d) On the effective date of this act, of the \$7,539,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the

- 2010 Session Laws of Kansas from the children's initiatives fund in the parent education program account, the sum of \$180,370 is hereby lapsed.
- (e) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children's initiatives fund in the Pre-K program account, the sum of \$119,630 is hereby lapsed.
- During the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the department of education from the special education services aid account of the state general fund for fiscal year 2011 for special education services aid as authorized by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 2010 Supp. 72-998, and amendments thereto, or any other statute, the department of education shall make expenditures from the special education services aid account of the state general fund for fiscal year 2011 for a payment to each school district, as defined by K.S.A. 72-962, and amendments thereto, that received an amount of medicaid replacement state aid for the 2010-2011 school year that was more than \$300,000 less than the amount of medicaid replacement state aid received for the 2009-2010 school year due to the loss of attendant care medicaid revenue from the Kansas health policy authority for school year 2010-2011: Provided. That the amount of such payment shall be equal to (1) the amount by which the medicaid replacement state aid received by the school district for the 2009-2010 school year is greater than the total of the medicaid replacement state aid for the 2010-2011 school year plus \$300,000, minus (2) the total received by the school district for increases in other medicaid reimbursements for the 2010-2011school year: Provided further. That each such payment shall be made from the amount designated by the state board of education pursuant to K.S.A. 2010 Supp. 72-998, and amendments thereto, for medicaid replacement state aid for the 2010-2011 school year.
- (g) On April 1, 2012, of the amount appropriated for the department of education for the fiscal year ending June 30, 2012, by this act from the state general fund in the KPERS employer contributions account, the amount equal to the amount certified by joint certification pursuant to subsection (a)(1) is hereby lapsed.
- (h) On July 1, 2012, there is appropriated for the department of education for the fiscal year ending June 30, 2013, from the state general fund in the KPERS employer contributions account the amount equal to the amount certified by joint certification pursuant to subsection (a)(1).

Sec. 41.

UNIVERSITY OF KANSAS

(a) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the standardized water data repository fund to the state water plan fund.

Sec. 42.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

SJI grant fund No limit

Sec. 43.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$5,385,207 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 82(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,509 is hereby lapsed.

Sec. 44.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the \$8,890,257 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$63,850 is hereby lapsed.

Sec. 45.

DEPARTMENT OF CORRECTIONS

There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following: Operating expenditures......\$472,709

- (b) On the effective date of this act, of the \$13,700,482 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of \$3,500,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$13,084,057 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Topeka correctional facility – facilities operations account, the sum of \$200 is hereby lapsed.
- (d) On the effective date of this act, of the \$8,308,154 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility – facilities operations account, the sum of \$500 is hereby lapsed.
- (e) On the effective date of this act, of the \$38,326,136 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Lansing correctional facility – facilities operations account, the sum of \$500 is hereby lapsed.
- On the effective date of this act, of the \$12,936,609 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility – facilities operations account, the sum of \$442 is hereby lapsed.
- (g) On the effective date of this act, of the \$5,301,602 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Norton correctional facility – facilities operations account, the sum of \$991 is hereby lapsed.
- (h) On the effective date of this act, of the \$3,088,303 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 132(b) of chapter 165 of the 2010 Session Laws of Kansas from the correctional institutions building fund in the capital improvements – rehabilitation and repair of correctional institutions account, the sum of \$374,471 is hereby lapsed.

Sec. 46.

JUVENILE JUSTICE AUTHORITY

- (a) On the effective date of this act, of the \$23,331,916 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 96(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$3,336,312 is hereby lapsed.
- (b) On the effective date of this act, of the \$4,000,013 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 133(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service Topeka complex and Larned juvenile correctional facility account, the sum of \$2,411 is hereby lapsed.
- (c) On the effective date of this act, of the \$87,682 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 157(a) of chapter 131 of the 2008 Session Laws of Kansas from the state institutions building fund in the raze Atchison juvenile correctional facility maintenance building account, the sum of \$3,148 is hereby lapsed.

Sec. 47.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$2,478,091 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 135(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the debt service – rehabilitation and repair of the statewide armories account, the sum of \$3,960 is hereby lapsed.

Sec. 48

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,393,582 to \$1,518,582.

Sec. 49.

STATE FIRE MARSHAL

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the fire marshal fee fund of the state fire marshal is hereby decreased from \$3,629,360 to \$3,626,625.
- (b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$52,509 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 50.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the \$510,135 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 99(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$982 is hereby lapsed.

Sec. 51.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) On June 30, 2011, the director of accounts and reports shall transfer \$500,000 from the Kansas commission on peace officers' standards and training fund of the

Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas commission on peace officers' standards and training fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 104(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training is hereby decreased from \$650.005 to \$549.246.

Sec. 52.

KANSAS DEPARTMENT OF AGRICULTURE

- (a) On the effective date of this act, the director of accounts and reports shall transfer \$3,081 from the state highway fund of the department of transportation to the water structures state highway fund of the Kansas department of agriculture.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water structures state highway fund of the Kansas department of agriculture is hereby increased from \$104,832 to no limit.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water appropriation certification fund of the Kansas department of agriculture is hereby increased from \$553,868 to no limit.

Sec. 53.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

- (a) On the effective date of this act, of the \$74,264 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of \$20,938 is hereby lapsed.
- (b) On the effective date of this act, of the \$36,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$7,000 is hereby lapsed.
- (c) On the effective date of this act, of the \$18,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of \$4,000 is hereby lapsed.
- (d) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2011, expenditures may be made

by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade......\$23,650

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$260,000

Sec. 54.

KANSAS WATER OFFICE

Sec. 55.

STATE CONSERVATION COMMISSION

- (a) On the effective date of this act, the appropriation for the above agency for the fiscal year ending June 30, 2011, by section 108(d) of chapter 165 of the 2010 Session Laws of Kansas of any unencumbered balance in the conservation reserve enhancement program account of the state water plan fund is hereby lapsed.
- Sec. 56. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and

reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

- (2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.
- (b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: Provided, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: Provided further, That the

secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.
- (d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;
- (2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas:
- (3) "compensation" means any salary or per diem compensation provided by law for a state officer.
- Sec. 57. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are

hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

(b) As used in this section "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.

Sec. 58.

ABSTRACTERS' BOARD OF EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal 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:

Abstracters' fee fund

For the fiscal year ending June 30,	2012	.\$23,291
	2013	
Sec. 59		. ,

BOARD OF ACCOUNTANCY

(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:

Board of accountancy fee fund

For the fiscal year ending June 30, 2012......\$340,227 *Provided,* That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund

and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

- (b) During the fiscal year ending June 30, 2012, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$15,000: *Provided further*. That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.
- (c) During the fiscal year ending June 30, 2013, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2013, shall not exceed \$15,000: *Provided further*; That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 60.

STATE BANK COMMISSIONER

(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:

Bank commissioner fee fund

Bank examination and investigation fund

For the fiscal year ending June	30,	2012No	limit
For the fiscal year ending June	30,	2013No	limit

Consumer education settlement fund

(b) During the fiscal years ending June 30, 2012, and June 30, 2013, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund.

Sec. 61.

KANSAS BOARD OF BARBERING

(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:

Board of barbering fee fund

BEHAVIORAL SCIENCES REGULATORY BOARD

(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:

Behavioral sciences regulatory board fee fund

Sec. 63.

STATE BOARD OF HEALING ARTS

(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:

Healing arts fee fund

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Sec. 64.

KANSAS STATE BOARD OF COSMETOLOGY

(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:

Cosmetology fee fund

For the fiscal year ending June 30, 2013......\$816,055 *Provided,* That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.

Sec. 65.

STATE DEPARTMENT OF CREDIT UNIONS

(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:

Credit union fee fund

Sec. 66

KANSAS DENTAL BOARD

(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:

Dental board fee fund

For the fiscal year ending June 30, 2012......\$372,181 *Provided,* That expenditures from the dental board fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

Special litigation reserve fund

the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

- (b) During the fiscal year ending June 30, 2012, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$50,000: *Provided further*. That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.
- (c) During the fiscal year ending June 30, 2013, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2013, shall not exceed \$50,000: *Provided further*; That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 67.

STATE BOARD OF MORTUARY ARTS

(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:

Mortuary arts fee fund

For the fiscal year ending June 30, 2012	\$273,993
For the fiscal year ending June 30, 2013	
Sec. 68	*

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(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:

Hearing instrument board fee fund

For the fiscal year ending June 30, 2012	\$29,636
For the fiscal year ending June 30, 2013.	\$29,181
Sec. 69.	

BOARD OF NURSING

(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:

Board of nursing fee fund

For the fiscal year ending June 30, 2012	
<i>Provided,</i> That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2013\$2,109,810	
Provided, That expenditures from the board of nursing fee fund for the fiscal year	
ending June 30, 2013, for official hospitality shall not exceed \$500.	
Gifts and grants fund	
For the fiscal year ending June 30, 2012	
Education conference fund	
For the fiscal year ending June 30, 2012	
For the fiscal year ending June 30, 2013	
Criminal background and fingerprinting fund	
For the fiscal year ending June 30, 2012	
For the fiscal year ending June 30, 2013	
BOARD OF EXAMINERS IN OPTOMETRY	
(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:	
Optometry fee fund	
For the fiscal year ending June 30, 2012\$121,252	
<i>Provided</i> , That expenditures from the optometry fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$300.	
For the fiscal year ending June 30, 2013\$111,631	
<i>Provided</i> , That expenditures from the optometry fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$300.	
Sec. 71.	
STATE BOARD OF PHARMACY	
(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:	
State board of pharmacy fee fund	
For the fiscal year ending June 30, 2012\$792,007	
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal	
year ending June 30, 2012, for official hospitality shall not exceed \$1,500.	
For the fiscal year ending June 30, 2013\$839,771	
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal	
year ending June 30, 2013, for official hospitality shall not exceed \$1,500.	

Sec. 72.

REAL ESTATE APPRAISAL BOARD

(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:

Appraiser fee fund

For the fiscal year ending June 30, 2012......\$302,559 *Provided,* That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

Securities act fee fund

For the fiscal year ending June 30, 2013\$314,607 <i>Provided,</i> That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.
Federal registry clearing fund For the fiscal year ending June 30, 2012
KANSAS REAL ESTATE COMMISSION (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: Real estate fee fund
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013\$1,133,094 <i>Provided,</i> That expenditures from the real estate fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$200.
Real Estate recovery revolving fund For the fiscal year ending June 30, 2012
Sec. 74. OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS (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:

For the fiscal year ending June 30, 2012.....\$2,875,392

Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2012, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: Provided further, That the total amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$20,000: And provided further, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$2,000.

Investor education fund

Sec. 75.

STATE BOARD OF TECHNICAL PROFESSIONS

(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:

Technical professions fee fund

Special litigation reserve fund

effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 76.

STATE BOARD OF VETERINARY EXAMINERS

(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:

Veterinary examiners fee fund

GOVERNMENTAL ETHICS COMMISSION

(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, 2013......\$421,567 *Provided,* That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then on July 1, 2012, of the \$421,567 appropriated for the above agency for the fiscal year ending June 30, 2013, by this section from the state general fund in the office of the operating expenditures account, the sum of \$220,000 is hereby lapsed.

(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:

Governmental ethics commission fee fund

- (c) On July 1, 2011, the expenditure limitation established for the fiscal year endin g June 30, 2012, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from \$486,532 to \$256,532: Provided, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2011, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.
- (d) On July 1, 2012, the expenditure limitation established for the fiscal year ending June 30, 2013, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from \$489,566 to \$269,566: *Provided*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2012, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 78.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(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:

Home inspectors registration fee fund

Sec. 79. Position limitations. The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from

appropriations for the fiscal years specified made in this or other appropriation act of the 2011 or 2012 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstraction 2 David of Francisco
Abstracters' Board of Examiners For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Board of Accountancy
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
State Bank Commissioner
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Kansas Board of Barbering
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Behavioral Sciences Regulatory Board
For the fiscal year ending June 30, 20128.00
For the fiscal year ending June 30, 20138.00
State Board of Healing Arts
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Kansas State Board of Cosmetology
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
State Department of Credit Unions
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Kansas Dental Board
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
State Board of Mortuary Arts
For the fiscal year ending June 30, 20123.00
For the fiscal year ending June 30, 2013
Board of Nursing
For the fiscal year ending June 30, 201224.00
For the fiscal year ending June 30, 201324.00
Board of Examiners in Optometry
For the fiscal year ending June 30, 20120.80
For the fiscal year ending June 30, 20130.80
State Board of Pharmacy
For the fiscal year ending June 30, 20128.00
For the fiscal year ending June 30, 20138.00
Real Estate Appraisal Board
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Kansas Real Estate Commission
For the fiscal year ending June 30, 2012
·

For the fiscal year ending June 30, 2013
Office of the Securities Commissioner of Kansas
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
State Board of Technical Professions
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
State Board of Veterinary Examiners
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Governmental Ethics Commission
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Kansas Home Inspectors Registration Board
For the fiscal year ending June 30, 2012
For the fiscal year ending June 30, 2013
Sec. 80.
LEGISLATIVE COORDINATING COUNCIL
(a) There is appropriated for the above agency from the state general fund for the
fiscal year ending June 30, 2012, the following: Legislative coordinating council – operations
Provided, That any unencumbered balance in the legislative coordinating council –
operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for
fiscal year 2012.
iiscai yeai 2012.
Legislative research department – operations\$3,549,398
Provided, That any unencumbered balance in the legislative research department –
operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for
fiscal year 2012.
y
Office of revisor of statutes – operations\$3,049,313
Provided, That any unencumbered balance in the office of revisor of statutes –
operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for
fiscal year 2012.
•
(b) There is appropriated for the above agency from the following special revenue
fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter
lawfully credited to and available in such fund or funds, except that expenditures other
than refunds authorized by law shall not exceed the following:
Legislative research department special revenue fund
Sec. 81.
LEGISLATURE
(a) There is appropriated for the above agency from the state general fund for the
fiscal year ending June 30, 2012, the following:
Operations (including official hospitality)\$14,768,065
Provided, That any unencumbered balance in the operations (including official
hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for

fiscal year 2012: Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: And provided further, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: And provided further, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2012 unless such meeting is approved by the legislative coordinating council: And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012: And provided further. That in addition to the other purposes for which expenditures may be made from moneys appropriated from the operations (including official hospitality) account for fiscal year 2012 for the legislature as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the legislature from the operations (including official hospitality) account for fiscal year 2012 for the expenses

of the state employee pay plan oversight committee to, in addition to the committee's other duties pursuant to K.S.A. 46-3601, and amendments thereto, study the effects of the classified salary market adjustments (including fringe benefits) for fiscal years 2010, and 2011: *And provided further*; That, such study shall be designed to: (1) review the classified salary market adjustments (including fringe benefits) for fiscal years 2010 and 2011; and (2) evaluate whether such adjustments accomplished the goal of having classified state employees paid comparable salaries and fringe benefits when compared to the private sector employees: *And provided further*, That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

Legislative information system....\$1,347,498

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: Provided further. That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: And provided further. That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: And provided further. That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and

shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: And provided further. That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: And provided further. That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: And provided further, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2012 unless such meeting is approved by the legislative coordinating council: And provided further, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012; And provided further, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2012: And provided further. That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2012: And provided further, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012.

(c) As used in this section, "joint committee" includes the joint committee on rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, legislative educational planning committee, joint committee on economic development, joint committee on state building construction, joint committee on the arts and cultural resources, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, workers compensation fund oversight committee, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, joint committee on children's issues, compensation commission, joint committee on Kansas security, joint committee on health policy oversight, state employee pay plan oversight committee, joint committee on energy and environmental policy, joint committee on home and community based services oversight, capitol restoration commission. Kansas criminal code recodification commission, Kansas DUI commission, redistricting advisory group, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any

meeting of any such body or for the expenses of any member thereof. Sec. 82.

DIVISION OF POST AUDIT
(a) There is appropriated for the above agency from the state general fund for the
fiscal year ending June 30, 2012, the following:
Operations (including legislative post audit committee)\$2,020,838
Provided, That any unencumbered balance in the operations (including legislative post
audit committee) account in excess of \$100 as of June 30, 2011, is hereby
reappropriated for fiscal year 2012: Provided further, That the division of post audit
shall conduct a performance audit, on approval of the legislative post audit committee,
on the KAN-ED program, pursuant to K.S.A. 2010 Supp. 75-7221 through 75-7228,
and amendments thereto.
(b) There is appropriated for the above agency from the following special revenue
fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter
lawfully credited to and available in such fund or funds, except that expenditures shall
not exceed the following:
Audit services fund
Provided, That the division of post audit is hereby authorized to fix, charge and collect
fees for copies of public records of the division, including distribution of such copies:
Provided further, That such fees shall be fixed to recover all or part of the expenses
incurred for reproducing and distributing such copies and shall be consistent with
policies and fees established in accordance with K.S.A. 46-1207a, and amendments
thereto: And provided further, That all moneys received for such fees shall be deposited
in the state treasury in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto, and shall be credited to the audit services fund.
Conversion of materials and equipment fund
State agency audits fund
Sec. 83.
GOVERNOR'S DEPARTMENT
(a) There is appropriated for the above agency from the state general fund for the
fiscal year ending June 30, 2012, the following:
Governor's department\$2,283,429
Provided, That any unencumbered balance in the governor's department account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:
Provided further, That expenditures may be made from this account for official
hospitality and contingencies without limitation at the discretion of the governor.
Domestic violence prevention grants\$3,560,350
Provided, That any unencumbered balance in the domestic violence prevention grants
account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year
2012: Provided further, That expenditures may be made from the domestic violence
prevention grants account for official hospitality and contingencies without limitation at
the discretion of the governor.
Child advocacy centers\$833,549

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further,* That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

- (b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2012, by subsection (a) from the state general fund in the governor's department account.
- (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Justice assistance grant – federal fund
Hispanic and Latino American affairs commission – donations fund
donations fund
Advisory commission on African-American affairs –
donations fund
Kansas commission on disability concerns fee fund
Kansas commission on disability concerns – gifts, grants
and donations fund
Sec. 84.
LIEUTENANT GOVERNOR
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:
Operations\$181,866
Provided, That any unencumbered balance in the operations account in excess of \$100
as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
as of valie 30, 2011, is hereby reappropriated for fiscal year 2012.
(b) There is appropriated for the above agency from the following special revenue
fund or funds for the fiscal year ending June 30, 2012, 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:
Special programs fund
<i>Provided,</i> That expenditures may be made from the special programs fund for operating
expenditures for the lieutenant governor, including conferences and official hospitality:
Provided further, That the lieutenant governor is hereby authorized to fix, charge and

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending

amendments thereto, and shall be credited to the special programs fund.

collect fees for such conferences: *And provided further*; That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*; That all fees received for such conferences and all fees received by the lieutenant governor under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and

June 30, 2012, in the operations account.

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2012, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 85.

ATTORNEY GENERAL

ATTORNEY GENERAL
(a) There is appropriated for the above agency from the state general fund for the
fiscal year ending June 30, 2012, the following:
Operating expenditures\$904,066
Provided, That any unencumbered balance in the operating expenditures account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:
Provided, however, That expenditures from this account for official hospitality shall not
exceed \$2,000.
1.11.11.11.11.11.11.11.11.11.11.11.11.1
Litigation costs
\$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
\$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Internet training education for Kansas kids\$288,507
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the
internet training education for Kansas kids account is hereby reappropriated for fiscal
year 2012.
Jon 2012.
Abuse, neglect and exploitation unit\$107,870
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the
abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year
2012: Provided further, That expenditures may be made by the attorney general from
the abuse, neglect and exploitation unit account pursuant to contracts with other
agencies or organizations to provide services related to the investigation or litigation of
findings related to abuse, neglect or exploitation.
Domestic violence prevention grants\$200,000
(b) There is appropriated for the above agency from the following special
revenue fund or funds for the fiscal year ending June 30, 2012, 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:
Court cost fund
Bond transcript review fee fund
Conversion of materials and equipment fund
Attorney general's antitrust special revenue fund
Private gifts fund
Medicaid fraud reimbursement fund
Attorney general's antitrust suspense fund
Attorney general's consumer protection clearing fund

Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: Provided further, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: And provided further, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: And provided further, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund
Crime victims assistance fund
Debt collection administration cost recovery fund
Medicaid fraud prosecution revolving fund
Interstate water litigation fund

amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the

Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund		
Children's advocacy center fund	No limit	
Abuse, neglect and exploitation of people with disabilities		
unit grant acceptance fund	No limit	
Concealed weapon licensure fund.		
Tobacco master settlement agreement compliance fund		
Sexually violent predator expense fund	No limit	
County law enforcement equipment fund	No limit	
Child exchange and visiting centers fund	No limit	
State medicaid fraud control unit – federal fund	No limit	
Com def sol – violence against women federal fund	lo limit	
Crime victims compensation federal fund	No limit	
Ed Byrne state/local law enforcement federal fund	lo limit	
Violence against women – ARRA federal fund		
Comm prsct/project safe neighborhood federal fund	No limit	
Public safety prtnt/comm pol fund	No limit	
Anti-gang initiative federal fund		
Alcohol impaired driving entrmsr federal fund		
Children's justice grant federal fund	No limit	
Corr research/evaluation/policy firearms federal fund	lo limit	
Ed Byrne memorial JAG – ARRA federal fund.	No limit	
State victims compensation formula grant federal funds	No limit	
Medicaid indirect cost federal fund	No limit	
Federal forfeiture fund.		
False claims litigation revolving fund		
Provided, That expenditures may be made from the false claims litigation re		
fund for costs associated with litigation under the Kansas false claims act, K.S.A		
Supp. 75-7501 et seq., and amendments thereto.		
11 17		
GTEAP federal fund	No limit	
Ed Byrne memorial justice assistance grant federal fund	lo limit	
911 state maintenance fund.	lo limit	
911 federal grant fund		
(c) During the fiscal year ending June 30, 2012, grants made pursuant to K.S.		
7325, and amendments thereto, from the protection from abuse fund and grant		
pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance		
fund shall be made after consideration of the recommendation of an entity that has been		
designated by the United States department of health and human services and by the		
centers for disease control as the official domestic violence or sexual assault coal		

- (d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$485,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.
- (e) During the fiscal year ending June 30, 2012, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the attorney general to another item of appropriation for fiscal year 2012 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (f) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$125,000 from the court cost fund of the attorney general to the state general fund.
- (g) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$450,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.
- (h) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed \$220,000.
- (i) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 Senate Bill No. 93: Provided, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 Senate Bill No. 93 shall not exceed \$82,000: Provided further, That, if 2011 House Substitute for Senate Bill No. 93 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer

the provisions of 2011 Senate Bill No. 93.

Sec. 86.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund	No limit
HAVA ELVIS fund.	No limit
Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
Provided, That expenditures from the information and services fe	e fund for official
hospitality shall not exceed \$2,500.	

State register fee fund	No limit	
Uniform commercial code fee fund	No limit	
State flag and banner fund	No limit	
Secretary of state fee refund fund	No limit	
Electronic voting machine examination fund	No limit	
Credit card clearing fund.	No limit	
Suspense fund	No limit	
Prepaid services fund	No limit	
Athlete agent registration fee fund	No limit	
Democracy fund	No limit	
Provided, That all expenditures from the democracy fund shall be to provide matching		
funds to implement Title II of the federal help America vote act of 2002, public law		
107-252, as prescribed under that act.	-	

Technology communication fee fund	No limit
Help America Vote Act federal fund	
HAVA title I federal fund	
Voting access – disabled individuals federal fund.	No limit
Cemetery maintenance and merchandise fee fund.	No limit

- (b) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2012 regular session of the legislature.
- (c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the uniform commercial code fee fund of the secretary of state to the state general fund.

Sec. 87.

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seg., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2012, the state treasurer is hereby authorized and directed to credit the first \$1,547,986 received and deposited in the state treasury to the state treasurer operating fund: Provided further, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2012 shall be credited as prescribed under the unclaimed property act. K.S.A. 58-3934 et seq., and amendments thereto: And provided further, That all moneys credited to the state treasurer operating fund during fiscal year 2012 are to reimburse the state treasurer for accounting. auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act. K.S.A. 58-3934 et seg., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund	No limit	
Bond services fee fund.	No limit	
City bond finance fund	No limit	
Local ad valorem tax reduction fund	No limit	
County and city revenue sharing fund	No limit	
Suspense fund	No limit	
County and city retailers' sales tax fund		
County and city compensating use tax fund	No limit	
Local alcoholic liquor fund	No limit	
Local alcoholic liquor equalization fund	No limit	
Unclaimed property claims fund	No limit	
Unclaimed property expense fund		
Provided, That expenditures from the unclaimed property expense fund for official		
hospitality shall not exceed \$2,000.		

County and city transient guest tax fund
Racing admissions tax fund
Rental motor vehicle excise tax fund
Transportation development district sales tax fund
Redevelopment bond fund
Municipal investment pool fund
Pooled money investment portfolio fee fundNo limit
Provided, That, on or before the fifth day of each month of the fiscal year ending June
30, 2012, the state treasurer shall certify to the pooled money investment board an
accounting of the banking fees incurred by the state treasurer during the second
preceding month that are attributable to the investment of the pooled money investment

portfolio during such month: *Provided further*; That, prior to the 10th day of each month during the fiscal year ending June 30, 2012, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*; That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Provided, That, notwithstanding the provisions of K.S.A. 2010 Supp. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: Provided further, That on the 15th day of each month that commences during fiscal year 2012, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly. shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: And provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified industrial manufacturer fund established by this subsection: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further. That the moneys credited to the special qualified industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 2010 Supp. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: And provided further. That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: And provided further, That the words and phrases used in these provisos to appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2010 Supp. 74-50.121, and amendments thereto, unless the context requires otherwise.

75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2012, for the purpose of matching contributions of qualified applicants.

Provided. That, on the 15th day of each month that commences during fiscal year 2012. the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpaver that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the spirit bonds fund: And provided further. That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50.136, and amendments thereto.

Provided. That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further. That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the leariet bond fund: And provided further. That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the leariet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further. That the moneys credited to the leariet bond fund from the

withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further. That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

business machinery and equipmen	it tax reduction assistance rund	
Telecommunications and railroad r	machinery and equipment tax	
reduction assistance fund		\$0

40

Duringer machinery and aguinment tox reduction aggistenes fund

(b) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided*, *however*, That, for each such remittance deposited in the state treasury during fiscal year 2012, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further*, That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the

remainder of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board: and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund of the university of Kansas: And provided further. That the amount of each such deposit that is credited to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: And provided further, That, whenever in fiscal year 2012 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to \$100,000, then (1) the provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto, and (2) for the remainder of fiscal year 2012, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal: (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

Sec. 88.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: Provided further, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department. Provided, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.

Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: Provided

further, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund

Provided, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department: Provided further, That, pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2012 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in FY 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: And provided further. That, as used in this proviso, (1) "2012 formula amount" means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2012, (2) "2008 payment amount" means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008, and (3) "2012 repayment amount" means the difference between the 2012 formula amount and the 2008 payment amount: And provided further. That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2012 shall not exceed the 2008 payment amount: And provided further: That the commissioner of insurance shall certify the 2012 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: And provided further, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2012 repayment amount from the state firefighters relief fund to the insurance department service regulation fund: And provided further, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

Municipal group-funded pools fee fund
Uninsurable health insurance plan fund
Monumental life settlement fund
Fines and penalties fund
Settlements fund
Emergency management performance grant – federal fund

2012 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2012 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 89

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue
fund or funds for the fiscal year ending June 30, 2012, 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:
Health care stabilization fund
Conference fee fund
(b) Expenditures from the health care stabilization fund for the fiscal year ending
June 30, 2012, other than refunds authorized by law for the following specified
purposes shall not exceed the limitations prescribed therefor as follows:
Operating expenditures\$1,666,312

Provided, That expenditures may be made from the operating expenditures account for official hospitality.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

(b) On June 30, 2012, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2012, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided,* That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further,* That the amount transferred from the publications fee fund to the state

general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*; That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

(c) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2010 Supp. 20-3207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$778,518 from the judicial performance fund of the judicial council to the judicial branch surcharge fund of the judicial branch: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the judicial performance fund as prescribed by law.

Sec. 91.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

Legal services for prisoners......\$289,592

(c) During the fiscal year ending June 30, 2012, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2012 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 92.

JUDICIAL BRANCH

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: And provided further, That expenditures may be made from the judicial operations account for contingencies without limitation at the discretion of the chief justice: And provided further, That expenditures from the judicial operations account for such contingencies shall not exceed \$25,000: And provided further, That expenditures from the judicial operations account for official hospitality shall not exceed \$4,000: And provided further, That expenditures shall be made from the judicial operations account

for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases: *And provided further*; That for the fiscal year ending June 30, 2012, the costs of printing advance sheets and bound volumes of opinions of the supreme court and the court of appeals shall first be paid from the fees collected for the sale of advance sheets and the bound volumes of opinions and after all such fees are expended for such purpose, any remaining costs of printing shall be paid from moneys appropriated in the judiciary operations account of the state general fund for fiscal year ending June 30, 2012: *And provided further*. That expenditures made from the judiciary operations account for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by \$62,242 for fiscal year 2012.

There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Provided. That expenditures made from the judiciary technology fund for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by \$12,047 for fiscal year 2012. Provided. That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: Provided further, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: And provided further, That such fees may be fixed to cover all or part of the operating expenditures incurred in

Conversion of materials and equipment fund	No limit
Child welfare federal grant fund.	
Child support enforcement contractual agreement fund	No limit

education fund.

providing such services and programs, including official hospitality: *And provided further*; That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch

Bar admission fee fund Permanent families account – family and children investment	No limit
fund	No limit
Duplicate law book fund	No limit
Court reporter fund.	No limit
Access to justice fund.	
Judicial technology and building and grounds fund	No limit
Judicial branch nonjudicial salary initiative fund.	No limit
Judicial branch nonjudicial salary adjustment fund.	
Federal grants fund.	
District magistrate judge supplemental compensation fund	
Judicial branch surcharge fund	No limit
Correctional supervision fund	
Edward Byrne memorial justice assistance fund	No limit
Community defense solutions – violence against women fund	No limit
Edward Byrne justice assistance grant fund – ARRA	
S.T.O.P. violence against women act fund – ARRA	
Violence against women grant fund – ARRA	
Edward Byrne memorial justice assistance grant – ARRA	No limit
State court improvement program fund	No limit
Sec. 93.	
KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM	
(a) There is appropriated for the above agency from the state general	I fund for the
fiscal year ending June 30, 2012, the following:	
13 th retirement check – debt service	
(b) There is appropriated for the above agency from the following sp	
fund or funds for the fiscal year ending June 30, 2012, all moneys now	
lawfully credited to and available in such fund or funds, except that expen	nditures other
than refunds authorized by law shall not exceed the following:	
Kansas public employees retirement fund	
Provided, That no expenditures may be made from the Kansas publ	
retirement fund other than for benefits, investments, refunds authorized	by law, and
other purposes specifically authorized by this or other appropriation act.	
Kansas public employees deferred compensation fees fund	No limit
Group insurance reserve fund	
Optional death benefit plan reserve fund	
Kansas endowment for youth fund	
Senior services trust fund	
Family and children endowment account – family and children	INO IIIIII
investment fund	No limit
in received failed.	
Non-retirement administration fund.	No limit
Provided, That the executive officer of the Kansas public employees retire	
shall certify to the director of accounts and reports the amount of mone	ys to transfer
from the Kansas endowment for youth fund, the senior services trust fur	d, the family

and children endowment account – family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2012, for the following specified purposes:

- (d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2012, for the following specified purposes:

 Agency operations

 \$75.603
- (e) On July 1, 2011, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102, and amendments thereto, to be transferred on July 1, 2011, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$54,611,593.

Sec. 94.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Federal fund No limit Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: Provided further. That the executive director is hereby authorized to fix, charge and collect fees for such banquet: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: And provided further, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the annual banquet fund

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: Provided further, That the executive director is hereby authorized to fix, charge and collect fees for such programs: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, shall be credited to the education and training fund.

Sec. 95.

STATE CORPORATION COMMISSION

services recovery fund of the department of administration for services rendered in collection efforts: *And provided further*; That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*; That the state corporation commission shall include as part of the fiscal year 2013 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2013, 2014 and 2015.

Provided, That expenditures may be made from the energy efficiency revolving loan program - ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: Provided further, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: And provided further, That loans under such program shall be made at an interest rate established by the state corporation commission: And provided further. That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: And provided further, That any person who agrees to receive money from the energy efficiency revolving loan program - ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program - ARRA federal fund: And provided further, That moneys repaid to the energy efficiency revolving loan program moneys shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program - ARRA federal fund: And provided further, That, on or before the tenth day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program - ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding

month.

Natural gas underground storage fee fund	No limit
Gas pipeline inspection fee fund	
Special one-call – federal fund	No limit
Compressed air energy storage fee fund	No limit
Abandoned oil and gas well fund	No limit
Well plugging assurance fund	
Facility conservation improvement program fund	No limit
Gas pipeline safety program – federal fund	
Carbon dioxide injection well and underground storage fund	No limit
Energy related grants – federal fund	No limit
Energy grants management fund	No limit
Energy conservation plan – federal fund	
Vehicle information systems network – federal fund	No limit
Underground injection control class II – federal fund	No limit
One call – federal fund	No limit
Inservice education workshop fee fund	No limit
Provided, That expenditures may be made from the inservice educati	on workshop fee
fund for operating expenditures, including official hospitality, incur	
workshops and conferences conducted by the state corporation commis	
members of the state corporation commission: Provided further,	That the state
corporation commission is hereby authorized to fix, charge and coll	
inservice workshops and conferences: And provided further, That su	ich fees shall be
fixed in order to recover all or part of the operating expenditu	
conducting such inservice workshops and conferences: And provided	<i>further</i> , That all
moneys received for such fees shall be deposited in the state treasu	ry in accordance
with the provisions of K.S.A. 75-4215, and amendments thereto, and	shall be credited
to the inservice education workshop fee fund.	

Unified carrier registration clearing fund	No limit
Credit card clearing fund.	No limit
Suspense fund.	No limit
KETA development fund.	No limit

- (b) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$16,844,081: Provided, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2012 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$2,000.
- (c) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments

thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

- (d) During the fiscal year ending June 30, 2012, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of \$400,000 prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund of the state corporation commission: *Provided*, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (f) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority: *Provided*, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority for fiscal year 2012 shall not exceed \$100,000.
- In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by subsection (f)(1) of section 59 of chapter 165 of the 2010 Session Laws of Kansas for fiscal year 2011 are not expended or encumbered for fiscal year 2011, then the amount equal to the remaining amount of such unexpended or encumbered expenditure authority for fiscal year 2011 may be expended by the state corporation commission from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the Kansas electric transmission authority for fiscal year 2012.
- (g) Notwithstanding the provisions of K.S.A. 66-1,142b, and amendments thereto, or any other statute, to the contrary, all moneys received from civil penalties related to the Kansas highway patrol civil assessment program charged and collected by the state corporation commission under the motor carrier act and other laws relevant to motor carriers shall be remitted to the state treasurer in accordance with the provisions of

K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the state general fund.

Sec. 96.

CITIZENS' UTILITY RATEPAYER BOARD

- (a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:
- (b) During the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2012 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2011, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2011 may be expended from the utility regulatory fee fund for fiscal year 2012 pursuant to contracts for professional services and any such expenditure for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2012.
- (c) On and after the effective date of this act, during the fiscal years ending June 30, 2011, and June 30, 2012, no expenditures shall be made by the above agency from the utility regulatory fee fund for the review or other oversight of proposed administrative rules and regulations or any other duties pursuant to executive order no. 11-02.

Sec. 97.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

\$393.479

of the state printer, including real estate and any improvements thereon: *And provided further*, That the secretary of administration shall present the findings of this study to the legislative budget committee on or before November 1, 2011.

Department of administration systems

Department of administration systems
Provided, That any unencumbered balance in the department of administration systems
account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year
2012: Provided further, That expenditures from the department of administration
systems account for official hospitality shall not exceed \$1,000.
Personnel services
Provided, That any unencumbered balance in the personnel services account in excess
of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

equipment projects funded from any nonstate source without first applying for federal capital equipment grants.

Public broadcasting digital conversion debt service	\$624,544
Long-term care ombudsman	\$249,294
Provided, That any unencumbered balance in the long-term care ombudsman	n account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal	year 2012:
Provided further, That expenditures from this account for official hospitali	ty shall not
exceed \$1,000.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Budget equipment conversion fund	No limit
Conversion of materials and equipment fund	No limit
Architectural services equipment conversion fund	No limit
Property contingency fund	No limit
Flood control emergency – federal fund	No limit
INK special revenue fund	No limit
CJIS Byrne Grant – federal fund.	No limit
FICA reimbursements medical residents fund.	No limit
Information technology fund	No limit
Provided, That any moneys collected from a fee increase for information s	services
recommended by the governor shall be deposited in the state treasury in account	ordance
with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be of	credited
to the information technology fund.	

general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: Provided further. That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682, and amendments thereto, for approving the use of such property: And provided further, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: And provided further. That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further. That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: And provided further, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: And provided further, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2010 Supp. 75-37,123, and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: And provided further. That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: And provided further, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$931,815 from the state buildings operating fund

of the department of administration to the state general fund: And provided further, That the transfer of such amount shall be in addition to any other transfer from the state buildings operating fund to the state general fund as prescribed by law: And provided further, That the amount transferred from the state buildings operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

Provided. That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: Provided further, That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: And provided further, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund: And provided further, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$51,794 from the architectural services recovery fund of the department of administration to the state general fund: And provided further. That the transfer of such amount shall be in addition to any other transfer from the architectural services recovery fund to the state general fund as prescribed by law: And provided further, That the amount transferred from the architectural services recovery fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

transportation.

processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*; That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*; That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*; That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

State emergency fund.	No limit
Bid and contract deposit fund	
Federal withholding tax clearing fund.	
Financial management system development fund	
Provided, That the secretary of administration may establish fees and m	
assessments in order to finance the costs of developing the financial m	
system: Provided further, That all moneys received for such fees a	
assessments shall be deposited in the state treasury in accordance with the pi	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the	
management system development fund.	
management of stem development rand.	
State gaming revenues fund	No limit
Financial management system development fund – on budget	No limit
Construction defects recovery fund	No limit
Facilities conservation improvement fund	No limit
State revolving fund services fee fund.	
Conversion of materials and equipment – recycling program fund	No limit
Curtis office building maintenance reserve fund	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund	
Electronic funds transfer suspense fund.	
Surplus property program fund – on budget	
Surplus property program fund – off budget	No limit
Older Americans act long-term care ombudsman federal fund	No limit
Long-term care ombudsman gift and grant fund	No limit
Title XIX – long-term care ombudsman medicaid federal grant	
fund	No limit
Wireless enhanced 911 grant fund.	No limit
Landon state office building repair expense fund	
MacVicar avenue assessment expense fund.	
Governor's economic council private operations fund	
(c) On July 1, 2011, the director of accounts and reports shall transfer	
from the state highway fund to the state general fund for the purpose of reim	
state general fund for the cost of providing purchasing services to the dep	partment of

- (d) During the fiscal year ending June 30, 2012, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2012 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.
- (f) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget, which shall be equal to 65% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2012. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2011 and fiscal year 2012 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.
- (2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2012.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.
- (4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (i) for the Kansas endowment for youth fund to account

for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

- (g) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2012. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.
- (2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2012.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.
- (h) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2012. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2012 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.
- (2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2012
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and

maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

- (i) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2012, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2012 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.
- (2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2012.
- (3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.
- (4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (f) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.
- (j) During the fiscal year ending June 30, 2012, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of administration to another item of appropriation for fiscal year 2012 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (1) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, the following:

 CIBF state building insurance......\$100,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building insurance premiums.

- (m) On July 1, 2011, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2012 shall be equal to and shall not exceed the older Americans act Title VII: ombudsman award and 4.38% of the Kansas older Americans act Title III: part B supportive services award.
- (n) (1) On July 1, 2011, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount credited and debited on or before June 30, 2011, pursuant to section 61(n)(9)(D) of chapter 165 of the 2010 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.
- (2) On or before September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2012.
- (3) (A) (i) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2012 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012.
- (ii) On or before June 30, 2012, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, canceled or modified projects, programs or operations.
- (iii) As used in paragraphs (i) and (ii) of this subsection (n)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.
- (B) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal

- year 2011 and which were not reappropriated for fiscal year 2012, as determined by the director of the budget: *Provided*, That, as used in this subsection (n)(3)(B), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2011 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2011 regular session of the legislature.
- (C) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2010, that were released during fiscal year 2011, and that were not specifically reappropriated by an appropriation act of the 2011 regular session of the legislature.
- (4) (A) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n) (3)(A)(i), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3) (A)(i).
- (B) On June 30, 2012, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3) (A)(ii), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3) (A)(ii).
- (5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (n)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.
- (6) (A) Prior to August 15, 2011, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n): *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (n). At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.
- (B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board

of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

- (C) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n) (6), the appropriation for fiscal year 2012 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).
- (7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (n), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2012.
- (8) (A) On or before September 1, 2011, after receipt of each certification by the director of the budget pursuant to this subsection (n), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3) and subsection (n)(6) in accordance with such certifications.
- (B) On September 1, 2011, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however,* That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.
- (C) On September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2012.
- (D) On or before June 30, 2012, after receipt of each certification by the director of the budget pursuant to subsection (n)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3)(A) (ii) in accordance with such certifications.
- (E) On June 30, 2012, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however,* That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.
- (F) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the

state general fund pursuant to this subsection (n) during fiscal year 2012.

- (G) On June 30, 2012, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.
- (H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) and all reductions and adjustments thereto made pursuant to this subsection (n). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.
- (9) As used in this subsection (n), "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, and Wichita state university.
 - (10) The provisions of this subsection (n) shall not apply to:
- (A) The health care stabilization fund of the health care stabilization fund board of governors;
- (B) any money held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;
- (C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n);
- (D) any account of the Kansas educational building fund or the state institutions building fund; or
- (E) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection (n), including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.
- (11) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (n), is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.
- (12) On or after July 1, 2011, notwithstanding the provisions of K.S.A. 75-4209, and amendments thereto, or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than \$6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise

provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.

- (o) During the fiscal year ending June 30, 2012, 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 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2012, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*. That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: Provided further, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.
- (p) During the fiscal year ending June 30, 2012, 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 2012 as authorized by this or other appropriation act of the 2011 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 2012, 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 otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: And provided further, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

- (r) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: *Provided*, That, on or before September 1, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and the chairs of the committee on appropriations of the house of representatives and the committee on ways and means of the senate.
- (2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.
- (s) On July 1, 2011, the Kansas, Inc., private operations fund of the department of administration is hereby redesignated as the governor's economic council private operations fund of the department of administration.
- (t) 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:

Bioscience development fund

Sec. 98.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sec. 99.

STATE COURT OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$964,388

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

(c) In addition to the other purposes for which expenditures may be made by the state court of tax appeals, from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the state court of tax appeals from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of studying the necessary statutory changes needed to raise filing fees. The court shall report the findings of the study to the senate committee on ways and means and the house of representatives committee on appropriations on or before December 1, 2011.

Sec. 100.

DEPARTMENT OF REVENUE

fund	No limit
Kansas qualified biodiesel fuel producer incentive fund. Division of vehicles modernization fund. Kansas retail dealer incentive fund. Local report fee fund. Military retirees income tax refund fund. Conversion of materials and equipment fund.	.No limit .No limit .No limit .No limit
Forfeited property fee fund	No limit No limit No limit No limit No limit No limit No limit No limit aisals for appraisal this fund
under K.S.A. 79-1479, and amendments thereto. Special training fund	operating seminars, is hereby orkshops nue: <i>And</i> art of the shops and seminars, sived for ed in the
Recovery fund for enforcement actions and attorney fees	No limit No limit No limit No limit erate and <i>Provided</i> the state

Performance/registration information systems management	
federal fund	No limit
Commercial vehicle information systems/network federal fund	
Temporary assistance – needy families federal fund	No limit
Highway planning construction federal fund	No limit
Immigration MOU federal fund	No limit
Commercial drivers licensing state program federal fund	
Real ID program federal fund	No limit
Microfilming fund.	No limit
Provided, That expenditures may be made from the microfilming fund to	
maintain a microfilming activity to sell microfilming services to other st	
Provided further, That all moneys received for such services shall be dep	posited in the
state treasury in accordance with the provisions of K.S.A. 75-4215, and	amendments
thereto, and shall be credited to the microfilming fund.	
Miscellaneous trust bonds fund.	No limit
Liquor excise tax guarantee bond fund	No limit
Non-resident contractors cash bond fund.	
Bond guaranty fund	
Interstate motor fuel user cash bond fund	No limit
Motor fuel distributor cash bond fund.	No limit
Special county mineral production tax fund.	No limit
County drug tax fund	No limit
Escheat proceeds suspense fund.	
Privilege tax refund fund.	No limit
Suspense fund	No limit
Cigarette tax refund fund	
Motor-vehicle fuel tax refund fund	No limit
Cereal malt beverage tax refund fund	No limit
Income tax refund fund	No limit
Sales tax refund fund	No limit
Compensating tax refund fund	No limit
Alcoholic liquor tax refund fund	No limit
Cigarette/tobacco products regulation fund	No limit
Motor carrier tax refund fund	No limit
Car company tax fund	No limit
Protested motor carrier taxes fund	No limit
Tobacco products refund fund	
Transient guest tax refund fund established by K.S.A. 12-1694a	
Interstate motor fuel taxes clearing fund	
Bingo refund fund	
Transient guest tax refund fund established by K.S.A. 12-16,100	
Interstate motor fuel taxes refund fund.	No limit
Interfund clearing fund	
Local alcoholic liquor clearing fund.	
International registration plan distribution clearing fund	
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Rental motor vehicle excise tax refund fund.	No limit
International fuel tax agreement clearing fund	No limit
Mineral production tax refund fund	No limit
Special fuels tax refund fund.	No limit
LP-gas motor fuels refund fund	No limit
Local alcoholic liquor refund fund	No limit
Sales tax clearing fund.	
Rental motor vehicle excise tax clearing fund	
VIPS/CAMA technology hardware fund.	
Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and am	
thereto, or of any other statute, expenditures may be made from the VII	PS/CAMA
technology hardware fund for the purposes of upgrading the VIPS/CAMA	
hardware and software for the state or for the counties and for administr	
operation of the department of revenue.	ation and
operation of the department of revenue.	
County and city retailers sales tax clearing fund – county and	
city sales tax	No limit
City sales tax	INO IIIIII
City and county compensating use tax clearing fund	No limit
County and city transient guest tax clearing fund	No limit
Automated tax systems fund	No Illillit
Dyed diesel fuel fee fund	
Electronic databases fee fund.	
Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and am	ienaments
thereto, or of any other statute, expenditures may be made from electronic data	abases fee
fund for the purposes of operating expenditures, including expenditures f	abases fee for capital
fund for the purposes of operating expenditures, including expenditures foutlay; of operating, maintaining or improving the vehicle information proving the ve	abases fee for capital processing
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- (c) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, the director of accounts and reports shall transfer \$11,376,597 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.
- (d) On August 1, 2011, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto
- (e) On August 1, 2011, the director of accounts and reports shall transfer \$20,400 from the social welfare fund and \$39,600 from the federal child support enforcement fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 101.

KANSAS LOTTERY

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2011, and on or before the 15th of each month thereafter through June 15, 2012: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2012: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2012, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*, That the

amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2012 is equal to or more than \$70,800,000: *And provided further*; That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection shall be equal to or more than \$70,800,000: *And provided further*; That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711, and amendments thereto, for fiscal year 2012.

- (c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2012, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: Provided, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: Provided further, That, on or before June 25, 2012, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: And provided further, That, at the same time as such certification is transmitted to the director of accounts and reports. the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.
- (d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.
- (e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 102.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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 racing fund
Racing reimbursable expense fund
Racing investigative expense fund
Expanded lottery regulation fund
Live horse racing purse supplement fund

training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Provided. That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided*, however, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: Provided further. That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

- (b) On July 1, 2011, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.
- (c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2012 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2012 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.
- (d) During the fiscal year ending June 30, 2012, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516, and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered.
- (e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2012 for the Kansas racing and gaming commission by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2012 for the state gaming agency regulatory oversight of class III

gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming, which are hereby authorized

- (f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2012, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2012, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2012, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission.
- (g) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from the parimutuel facility licensee under authority of any other statute: Provided, That such fees shall be in addition to all taxes and other fees authorized by law: Provided further, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee, projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund.
- (h) On July 1, 2011, the expanded lottery act regulation fund of the Kansas racing and gaming commission is hereby redesignated as the expanded lottery regulation fund of the Kansas racing and gaming commission.

Sec. 103.

DEPARTMENT OF COMMERCE

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

Animal health research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the animal health research grant account for fiscal year 2012 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided, however,* That no fees shall be charged or collected for administering and awarding the animal health

research grant: *Provided further,* That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further,* That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013......\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: Provided further, That all moneys in the animal health research grant account for fiscal year 2013 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the animal health research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: And provided further, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Provided further; That all moneys in the animal health research grant account for fiscal year 2014 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: Provided, however; That no fees shall be charged or collected for administering and awarding the animal health research grant: And provided further; That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: And provided further; That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2014.

Aviation research grant

For the fiscal year ending June 30, 2013......\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year

2013: Provided further, That all moneys in the aviation research grant account for fiscal year 2013 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the aviation research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: And provided further, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Provided further; That all moneys in the aviation research grant account for fiscal year 2014 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: Provided, however; That no fees shall be charged or collected for administering and awarding the aviation research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: And provided further, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2014.

Cancer center research grant

For the fiscal year ending June 30, 2012......\$5,000,000

Provided, That all moneys in the cancer center research grant account for fiscal year 2012 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the cancer research grant: Provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: And provided further, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: Provided further, That all moneys in the cancer center research grant account for fiscal year 2013 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the cancer research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: And provided

further, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014. \$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Provided further, That all moneys in the cancer center research grant account for fiscal year 2014 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: Provided, however, That no fees shall be charged or collected for administering and awarding the cancer research grant: And provided further, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: And provided further, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2014.

Senior community service employment program – ARRA match	\$8,935
Strong military bases program	\$100,000
Small technology pilot program.	\$100,000
Entrepreneurial centers.	
Centers of excellence	
MAMTC	\$1,025,000
Operating grant (including official hospitality)	\$9,744,888
Provided, That any unencumbered balance in the operating grant (in	ncluding official
hospitality) account in excess of \$100 as of June 30, 2011, is hereby re	eappropriated for
fiscal year 2012: Provided further, That expenditures may be made from	om the operating
grant (including official hospitality) account for certified development	t companies that
have been determined to be qualified for grants by the secretary of co	ommerce, except
that expenditures for such grants shall not be made for grants to more	than 10 certified

Engineering expansion grants.....\$1,000,000

development companies that have been determined to be qualified for grants by the

secretary of commerce.

Provided, That all moneys in the engineering expansion grants account shall be for a grant program developed and administered by the secretary of commerce for the purposes of expansion of the state's professional engineer training programs to address needs for engineers in industries that are not being met with the current levels of graduating students: Provided further, That all moneys in the engineering expansion grants account shall be for grants awarded under a competitive grant program administered by the secretary of commerce: And provided further, That all engineering expansion grant amounts authorized by the secretary of commerce shall be matched by the recipient institution on a \$3 for \$1 basis from other moneys of the recipient institution for the purpose for which the engineering expansion grant is awarded.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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: Job creation program fund
National main street center fund
General fees fund
Kansas economic opportunity initiatives fund

the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas existing industry expansion fund.

VVIA - J14	N. lii4
WIA adult – federal fund	
WIA youth activities – federal fund	
WIA dislocated workers – federal fund	
Trade adjustment assistance – federal fund	
Veterans assistance program – federal fund	No limit
Local veterans employment representative program – federal	
fund	No limit
Wagner Peyser employment services – federal fund	No limit
Senior community service employment program – federal fund	
Indirect cost – federal fund	No limit
State affordable airfare fund	
Provided, That, the regional economic area partnership, hereinaft	
"REAP", shall submit an annual report to the legislature on or before	
Provided further, That the annual report shall be delivered and REA	
person to the house committee on economic development, the house	ise committee on
appropriations, the senate committee on commerce and the senate co	
and means regarding such annual report: And provided further, Tha	t the secretary of
commerce shall conduct an independent review of the financial repe	
REAP as well as an analysis of the data used by REAP: And provided	d further, That the
secretary of commerce shall submit a report and appear in pers	on to the house
committee on economic development, the house committee on a	opropriations, the
senate committee on commerce and the senate committee on ways and	l means regarding
these matters: And provided further, That the secretary of commerce	shall develop and
implement the necessary procedures to conduct such a review.	
Townson labor and faction family workers followed for d	Na limit
Temporary labor certification foreign workers – federal fund	
USDA cooperative – federal fund	
American job link alliance – federal fund	
American job link alliance job corps – federal fund	
Early childhood associate apprenticeship program – federal fund	
Modernization apprentice – federal fund	
Work incentive grant – federal fund	
Registered apprenticeship works – federal fund	
Neighborhood stabilization program – federal fund	
Green jobs grant ARRA – federal fund	
Enterprise facilitation fund	
Enterprise racintation fund	110 IIIIIt

- The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2012, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: Provided. That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: Provided further. That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: And provided further, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2012, in accordance with the provisions of this or other appropriation act of the 2011 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.
- (e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for the department of commerce as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for official hospitality.
- (f) On August 15, 2011, and December 15, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$625,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.
- (g) On or after July 1, 2011, 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 the fiscal year 2011 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 economic development initiatives fund to the state affordable airfare fund of the department of commerce.

Sec. 104.

KANSAS HOUSING RESOURCES CORPORATION

Sec. 105.

DEPARTMENT OF LABOR

Employment security administration fund.	No limit
State workplace health and safety fund.	No limit
Wage claims assignment fee fund	No limit

- (c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2012 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond issued for the rewrite of the unemployment insurance benefit system: *Provided*, That expenditures from the employment security fund during fiscal year 2012 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed \$2,646,150.
- (d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for fiscal year 2012 for the following capital improvement purposes: Payment on the master lease agreement for the renovation of the Eastman building on the Topeka west complex: *Provided,* That expenditures from this fund for fiscal year 2012 for such capital improvement purposes shall not exceed \$99,625: *Provided further,* That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 106.

KANSAS COMMISSION ON VETERANS AFFAIRS

2012: Provided further, That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home	\$1,917,108
Provided, That any unencumbered balance in the operating expenditu	res – Kansas
soldiers' home account in excess of \$100 as of June 30, 2011, is hereby r	eappropriated
for fiscal year 2012.	

Scratch lotto – Kansas veterans' home.	\$101,507
Scratch lotto – veterans services.	\$328,003
Scratch lotto – Kansas soldiers' home	\$74,444
Scratch lotto – veterans cemeteries	\$159,458
Operating expenditures – administration	\$426,485
Provided, That any unencumbered balance in the operating	expenditures -
administration account in excess of \$100 as of June 30, 2011, is hereb	by reappropriated
for fiscal year 2012.	

Veterans' home canteen fund	No limit
Veterans' home benefit fund	No limit
Soldiers' home outpatient clinic fund	No limit
State veterans cemeteries fee fund	No limit
State veterans cemeteries donations and contributions fund	No limit
Outpatient clinic patient federal reimbursement fund – federal	No limit
VA burial reimbursement fund – federal	\$80,538
Veterans home federal fund	\$2,924,231
Soldiers home federal fund	\$2,254,408
Commission on veterans affairs federal fund.	\$208,961
Kansas veterans memorials fund	No limit
Vietnam war era veterans' recognition award fund	No limit
Kansas hometown heroes fund	No limit

- (c) On the effective date of this act, the director of accounts and reports shall transfer \$25,000 from the scratch lotto veterans services account of the state general fund to the Vietnam war era veterans' recognition award fund of the Kansas commission on veterans affairs: *Provided*, That, in addition to the other purposes for which expenditures may be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, expenditures shall be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, to acquire and send the appropriate medallions and certificates to all qualifying veterans whose applications for such medallions and certificates have been received by June 1, 2011.
- (d) (1) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (2) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (3) As used in this subsection (d), "special revenue fund" means the soldiers' home fee fund, veterans' home fee fund, soldiers' home outpatient clinic fund, soldiers' home benefit fund, soldiers' home work therapy fund, veterans' home canteen fund, soldiers' home canteen fund, veterans' home benefit fund, Persian Gulf War

veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

- (e) During the fiscal year ending June 30, 2011, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2011 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (f) During the fiscal year ending June 30, 2012, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2012 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 107.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality)......\$3,545,224

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment – division of health in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vaccine purchases........\$732,897 Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

\$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary health projects......\$7,243,065 Provided, That any unencumbered balance in the aid to local units - primary health projects account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale: and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay: And provided further, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Immunization programs...........\$447,418 *Provided,* That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Breast cancer screening program......\$219,336 *Provided,* That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Pregnancy maintenance initiative......\$338,846 Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Cerebral palsy posture seating.	\$105,537
<i>Provided.</i> That any unencumbered balance in the cerebral palsy posture	
in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal	0
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Substance abuse and mental health services administration –

federal fund......No limit

Provided. That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: Provided further, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: And provided further, That such fees may be fixed in order to recover all or part of such costs: And provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215. and amendments thereto, and shall be credited to the health and environment training fee fund – health: And provided further, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund - health for fiscal year 2012, expenditures may be made by the department of health and environment from the health and environment training fee fund - health for fiscal year 2012 for agency operations for the division of health.

Health facilities review fund
District coroners fund
Hospital bioterrorism preparedness – federal fund
ARRA migrant health – federal fund
ARRA prevention of healthcare associated infections – federal fund
Medicare – federal fund
Migrant health program – federal fund. No limit Refugee health – federal fund. No limit United states department of agriculture – federal fund. No limit

Children's mercy hospital lead program – federal fund	No limit
Women, infants and children health program – federal fund	No limit
WIC health program fund – senior farmer's market – federal	No limit
Assistance for firefighters grant program – federal fund	No limit
Immunization and vaccines for children grants – federal fund	
Home visiting grant – federal fund.	No limit
Preventive health block grant – federal fund	No limit
Maternal and child health block grant – federal fund	
National center for health statistics – federal fund.	
Title X family planning services program – federal fund	No limit
Comprehensive STD prevention systems – federal fund	
Children with special health care needs – federal fund	No limit
Make a difference information network – federal fund	No limit
Ryan White Title II – federal fund	
Bicycle helmet distribution – federal fund	
Bicycle helmet revolving fund	
SSA fee fundLead certification cooperation agreement – federal fund	
Childhood lead poisoning prevention program – federal fund	
State implementation projects for prevention of secondary	NO IIIIII
conditions – federal fund	No limit
Conditions – redetai fund	NO IIIIII
Title IV-E – federal fund	No limit
HIV prevention projects – federal fund	
HIV/AIDS surveillance – federal fund	No limit
Infants & toddlers Title 1 – federal fund	No limit
Universal newborn hearing screening – federal fund	No limit
State loan repayment program – federal fund	
Opt-out testing initiative – federal fund	
Kansas system for early registration of volunteers – federal fund	No limit
Cardiovascular health programs – federal fund	No limit
Adult lead surveillance data – federal fund	No limit
Medical reserve corps contract – federal fund	
Trauma fund.	
Provided, That expenditures may be made by the department of health and e	
for fiscal year 2012 from the trauma fund of the division of health of the de	
health and environment for the stroke prevention project: Provided fu	rther, That
expenditures from the trauma fund for official hospitality shall not exceed \$2	,,000.
Homeland security – federal fund	No limit
Homeland security real ID – federal fund	No limit
Special education state grants – federal fund	No limit
Refugee assistance – federal fund	
Personal responsibility education program – federal fund	
Mammography quality standards act – federal fund	
Education, training, and enhanced services to end violence	
against and abuse of women with disabilities – federal fund	No limit
-	

State surplus revenues – special revenue fund
Radiation control operations fee fund
Infants and toddlers program\$5,700,000 <i>Provided,</i> That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Smoking prevention
Newborn hearing aid loaner program
SIDS network grant

- (d) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment division of health or of the department of health and environment division of environment, to the sponsored project overhead fund health of the department of health and environment division of health.
- (e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$559,307 from the child care and development federal fund of the department of social and rehabilitation services to the child care and development block grant federal fund of the department of health and environment.
- (f) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment division of health, which have available moneys, to the sponsored project overhead fund health of the department of health and environment division of health for expenditures, as the case may be, for administrative expenses.
- (g) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: Provided, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time. excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature: *Provided, however,* That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.
- (h) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the

department of health and environment – division of health to the sponsored project overhead fund – health of the department of health and environment – division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

- (i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (j) In addition to the other purposes for which expenditures may be made by the department of health and environment division of health from moneys appropriated from the district coroners fund for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment division of health from such moneys appropriated from the district coroners fund for fiscal year 2012 pursuant to K.S.A. 22a-242, and amendments thereto.
- (k) On July 1, 2011, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.
- (l) During the fiscal year ending June 30, 2012, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by the department of health and environment division of health for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and, if any moneys remain, then, Second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services: *Provided*, That, as used in this subsection "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.
- (m) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys

appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed \$70,380.

(n) During the fiscal year ending June 30, 2012, 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 from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36: Provided, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36 shall not exceed \$67,165: Provided further, That, if 2011 House Substitute for Senate Bill No. 36 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36.

Sec. 108.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

Other medical assistance \$539,392,132 Provided. That any unencumbered balance in the other medical assistance account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the other medical assistance account of the above agency for fiscal year 2012: Provided further. That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: And provided further, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the joint committee on health policy oversight prior to the start of the regular session of the legislature in 2012. Children's health insurance program.....\$17,293,612 Provided, That any unencumbered balance in the children's health insurance program account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the children's health insurance program account of the above agency for fiscal year 2012: Provided further, That no increases shall be made to monthly premium payments for the state children's health insurance program until approval of the increase is received by the division of health care finance of the department of health and environment from the federal centers for medicare and medicaid services (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Preventive health care program fund \$667,947 Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$1,979,603. Provided, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$3,512,791. Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$430,915. Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000.

Health committee insurance fund	\$287,939
Health care database fee fund	\$76,938
Medical programs fee fund	\$50,529,602
Health benefits administration clearing fund – remit admin service org	No limit
Provided, That expenditures from the health benefits administration of	elearing fund –
remit admin service org for the fiscal year ending June 30, 2012, for sala	ries and wages
and other operating expenditures shall not exceed \$7,854,305.	

Health insurance premium reserve fund	No limit
Other state fees fund	\$627,912
Health care access improvement fund	\$33,300,000
Children's health insurance program federal fund	No limit
State planning – health care – uninsured fund	No limit
Demonstration to maintain independence in employment fund	No limit
Medicaid infrastructure grant – disability employment federal	
fund	No limit

- (c) During the fiscal year ending June 30, 2012, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2012, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.
- (d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,005,697 from the medical programs fee fund to the state general fund.
- (e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of this or any other appropriation act of the 2011 regular session of the legislature, or any other statute, no moneys appropriated for the Kansas health policy authority or the department of health and environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 shall be expended by the Kansas health policy authority or the department of health and environment for the purposes of requiring, and the Kansas health policy authority or the department of health and environment shall not require, an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2012: *Provided*, That all prescriptions paid for by the MediKan program during fiscal

year 2012 shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: *Provided further*; That the Kansas health policy authority and the department of health and environment shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for fiscal year 2012: *And provided further*; That the Kansas health policy authority and the department of health and environment shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, to implement or maintain a preferred drug formulary for medications prescribed for mental health purposes to individuals in the MediKan program during fiscal year 2012.

(f) Notwithstanding the provisions of K.S.A. 75-6501 et seg., and amendments thereto, or any other statute, there is hereby established and imposed a 2.5% surcharge on the amount of the employee payroll deduction by state employees for participation in the state health care benefits program pursuant to K.S.A. 75-6506, and amendments thereto, for the plan year commencing January 1, 2012, in accordance with this subsection: *Provided*. That the surcharge shall be applied to the amount required for the participation of the state employee for the coverages and other elections under the state health care benefits program for plan year 2012 that are selected by the state employee: Provided further. That the amount of the surcharge shall be added to the amount otherwise required for participation in accordance with the state employee selections and the resulting aggregate amount shall constitute the amount of the payroll deduction under K.S.A. 75-6506, and amendments thereto, for the state employee; And provided further, That, prior to June 10, 2012, the director of health care finance of the department of health and environment shall certify the aggregate amount of all proceeds of such surcharge for fiscal year 2012 to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research; And provided further, That, on June 10, 2012, pursuant to such certification, the director of accounts and reports shall transfer the aggregate amount of the proceeds collected for the surcharge for fiscal year 2012 from the health benefits administration clearing fund – remit to admin service org fund of the division of health care finance of the department of health and environment to the state general fund: And provided further, That such surcharge shall be imposed for the purpose of reimbursing the state general fund for support relating to operation and maintenance of the state health care benefits program. Sec 109

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

Local environmental protection program......\$750,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or

hereafter lawfully credited to and available in such fund or funds, excep expenditures other than refunds authorized by law shall not exceed the following: Radiation control operations fee fund	limit limit limit limit fund
Public water supply fee fund	o limit o limi
Driving under the influence equipment fund	o limit o limit iund – ishing
Local an quanty control authority regulation services fund	, 1111111t

Surface mining fee fund	
Environmental response fund.	No limit
Sponsored project overhead fund – environment	No limit
Chemical control fee fund	No limit
QuantiFERON TB laboratory fund	No limit
Resource conservation and recovery act – federal fund	No limit
EPA water protection – STAG – federal fund.	
Superfund state cooperative agreements – federal fund	
Water supply – federal fund	No limit
Air quality section 103 – federal fund.	No limit
EPA – core support – federal fund	
Network exchange grant – federal fund.	
ARRA Kansas clean diesel assistance program grant –	
federal fund	No limit
Multi-media capacity building – federal fund	No limit
Brownfields assistance cleanup cooperative – federal fund	No limit
Performance partnership grants – federal fund	No limit
Lab TB testing expansion – federal fund	No limit
Kansas clean diesel grant – federal fund.	
Air quality program – federal fund	
Section 106 monitoring initiative – federal fund.	
Air quality section 105 – federal fund	No limit
Leaking underground storage tank trust – federal fund	No limit
Surface mining control and reclamation act – federal fund	No limit
Abandoned mined-land – federal fund	
Department of defense and state cooperative agreement –	
federal fund	No limit
EPA non-point source – federal fund	No limit
Pollution prevention program – federal fund.	No limit
EPA operator expense reimbursement for drinking water –	
federal fund	No limit
EPA water monitoring – federal fund	No limit
Gifts, grants and donations fund – environment.	No limit
Special bequest fund – environment.	No limit
Aboveground petroleum storage tank release trust fund	
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund	No limit
Public water supply loan operations fund	
Kansas water pollution control revolving fund.	No limit
Provided, That the proceeds from revenue bonds issued by the Kansas de	
finance authority to provide matching grant payments under the federal clean	
of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control	
fund: <i>Provided further,</i> That expenditures from this fund shall be made to	

the payment of such matching grants.

Kansas water pollution control operations fund	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds	No limit
revolving fund revenue bonds	NO IIIIII
Surcharge fund for Kansas water pollution control revolving	
fund revenue bonds.	No limit
Surcharge operations fund for Kansas water pollution control	
revolving fund revenue bonds	No limit
Debt service reserve fund	
EPA water related grants – federal fund	No limit
<i>Provided,</i> That no moneys from any grant that requires the matching expen other moneys in the state treasury during the current or any ensuing fiscal	
deposited to the credit of the EPA water related grants – federal fund.	year shan be
deposited to the credit of the ETA water related grants – rederar fund.	
Chemical control – federal fund.	No limit
Subsurface hydrocarbon storage fund.	
Clean air leadership – federal fund	
Natural resources damages trust fund	No limit
Hazardous waste management fund	
Brownfields revolving loan program – federal fund	
Mined-land reclamation fund	
Abandoned mine land – federal fund	
Operator outreach training program – federal fund	
Underground storage tank – federal fund	
EPA underground injection control – federal fund	
Laboratory medicaid cost recovery fund – environment	
Diagnostic X-ray program – federal fund	
EPA state response program – federal fund	
Environmental response remedial activity specific sites –	NO IIIIII
federal fund	No limit
louotui tuitu.	
Emergency environmental response – nonspecific sites	
federal fund	No limit
Chemical control – federal fund	No limit
Medicare program – environment – federal fund	No limit
EPA pollution prevention – federal fund	
Inspections Kansas infrastructure projects – federal fund	
Marais Des Cygnes targeted watershed project – federal fund	No limit
Healthy watershed initiative – federal fund	
Salt solution mining well plugging fund	
Kansas essential fuels supply trust fund	INO IIMIT

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the state water plan project or projects specified as follows: Contamination remediation. \$790.118 Provided. That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. TMDL initiatives and use attainability analysis......\$237.097 *Provided.* That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Watershed restoration and protection plan.....\$716,351 *Provided.* That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. Nonpoint source program.....\$374,044 *Provided.* That any unencumbered balance in the nonpoint source program account in

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2012, for the project specified as follows:

excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

- Newborn screening \$1,862,846
- (e) During the fiscal year ending June 30, 2012, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment division of environment to another item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.
- (f) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the tenth day of each month by K.S.A. 65-3024, and amendments thereto.
- (g) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of

health and environment – division of health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment of the department of health and environment – division of environment.

- (h) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment division of environment, which have available moneys, to the sponsored project overhead fund environment of the department of health and environment division of environment or to the sponsored project overhead fund health of the department of health and environment division of health, as the case may be, for expenditures for administrative expenses.
- (i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment division of health or the department of health and environment division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (j) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment division of environment to the sponsored project overhead fund environment of the department of health and environment division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.
- (k) In addition to the other purposes for which expenditures may be made by the department of health and environment division of environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of health and environment division of environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of seeking a solution to clean up the sewer water contamination problems in certain property in the city of Eudora.

Sec. 110.

DEPARTMENT ON AGING

Administration – assessments. \$70.880

fund expenditures.

Provided, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

federal fiscal year 2011: And provided further, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2011: And provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – HCBS/FE......\$31,936,854 Provided, That any unencumbered balance in the LTC – medicaid assistance – HCBS/FE account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC – medicaid assistance – HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

fund expenditures.

Nursing facilities regulation – title XIX......\$859,256 *Provided,* That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Any unencumbered balance in the LTC – medicaid assistance – MFP account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

expenditures shall not exceed the following:	
AoA demonstration lifespan respite project	
Community putting prevention to work	
Special program for aging IIIB – federal fund	
Special program for aging IIIC – federal fund	
Special program for aging IIID – federal fund	
National family caregiver support program IIIE – federal fund	
Special program for aging IV & II – federal fund	
Special program for aging VII-2 – federal fund	
Special program for aging VII-3 – federal fund	
Alzheimer's disease fund	
Survey & Certification – federal fund	
Center for medicare/medicaid service – federal fund	
Money follows the person grant – federal fund	
Medicaid assistance program – federal fund	
Provided, That transfers of moneys from the title XIX fund – federal to the state fire	
marshal may be made during fiscal year 2012 pursuant to a contract which is hereby	
authorized to be entered into by the secretary of aging with the state fire marshal to	
provide fire and safety inspections for adult care homes and hospitals.	

provided further, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services which are determined to be the most economical services available.

Nutrition service incentive program fund – federal
Health policy nursing facility quality care fund
State licensure fee fund

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: Provided further, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*; That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund – grants – federal	No limit
Senior services fund	No limit
Long-term care loan and grant fund	No limit
Intergovernmental transfer administration fund	\$0
Non-government grant fund	No limit
Health facilities review fund	No limit
Medicare enrollment assistance program fund – federal	No limit

- (c) During the fiscal year ending June 30, 2012, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department on aging to another item of appropriation for fiscal year 2012 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of health and environment division of health, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the secretary of social and rehabilitation services and the secretary of health and environment for fiscal year 2012 to enter into a contract with the secretary of aging, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary of aging to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary of social and rehabilitation services and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary of social and rehabilitation services or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2012: Provided. That, in addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department on aging, as authorized by this or other appropriation act

of the 2011 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2012 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*; That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(e) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC – medicaid assistance – NF account of the state general fund of the department on aging to the LTC - medicaid assistance - HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: Provided, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: Provided further, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: And provided further, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: And provided further, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2012 with expenditure data regarding this program.

Sec. 111.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further. That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto: And provided further. That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500: And provided further, That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management: And provided further, That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request.

Mental health and retardation services aid and

assistance......\$168,131,167

<i>Provided</i> , That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Kansas neurological institute – operating expenditures
Larned state hospital – operating expenditures
Larned state hospital – sexual predator treatment program
Osawatomie state hospital – operating expenditures
Parsons state hospital and training center – operating expenditures
Provided, That any unencumbered balance in the Parsons state hospital and training

center – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further,* That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further,* That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further,* That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further,* That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Cash assistance \$46,069,941 Provided, That any unencumbered balance in the cash assistance account in excess of

\$100 as	of June	30, 20	oll, is nereb	y reappropria	ted for fiscal	year 2012.	
0	. 1						фс

Community based services......\$87,187,295 *Provided,* That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Community mental health centers supplemental

funding.....\$2,347,363

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund......\$46,752,996

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: Provided further, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute – FGP gifts, grants, donations special......No limit

\$4.466.620

I armed state begnital fee fund

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ees
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Parsons state hospital and training center – canteen fund	No limit
Parsons state hospital and training center – patient benefit fund	
Parsons state hospital and training center – work therapy	
patient benefit fund	No limit
Parsons state hospital and training center fee fund	\$1,354,867
Provided, That all moneys received as fees for the use of video te	
equipment at Parsons state hospital and training center shall be deposit	ed in the state
treasury in accordance with the provisions of K.S.A. 75-4215, and amend	
and shall be credited to the video teleconferencing fee account of the	
hospital and training center fee fund: Provided further, That all moneys	
video teleconferencing fee account shall be used solely for the servicing	
and replacement of video teleconferencing equipment at Parsons stat	
training center: And provided further, That any expenditures from	
teleconferencing fee account shall be in addition to any expenditure limit	tation imposed
on the Parsons state hospital and training center fee fund.	
Rainbow mental health facility fee fund.	\$2,469,445
Rainbow mental health facility – patient benefit fund	
Rainbow mental health facility – work therapy patient benefit	
fund.	No limit
Social services clearing fund	No limit
Social welfare fund. Other state fees fund.	\$29,083,212
Substance abuse/mental health services federal fund	NO IIIIII
Child welfare services state grants federal fund	No IIIIII
Community mental health block grant federal fund	No limit
Social services block grant – federal fund	
Child care/development block grant federal fund.	No limit
Money follows the person grant federal fund	
Temporary assistance to needy families federal fund.	
Prevention/treatment substance abuse federal fund	No limit
Promoting safe/stable families federal fund	No limit
Title IVE foster care federal fund	No limit
Medical assistance program federal fund.	No limit
Rehabilitation services – vocational rehabilitation federal fund	
Enhance child safety – parental substance abuse federal fund	No limit
SRS enterprise fund	
SRS trust fund	
Problem gambling and addictions grant fund	No limit
Child support enforcement federal fund	
Energy assistance block grant federal fund	No limit
investment fund	Na limit
mvesunem runu	INO IIIIII

Provided, That expenditures from the family and children trust account – family and children investment fund for official hospitality shall not exceed \$1,500.

Low-income home energy assistance federal fund	
Social security – disability insurance federal fund.	
Supplemental nutrition assistance program federal fund	
Emergency food assistance program federal fund	
Child care and development mandatory and matching	
federal fund	No limit
Todorui Turid	
Community-based child abuse prevention grants federal fund	
Chafee education and training vouchers program federal fund	
Title IV-E FDF federal fund	No limit
Adoption incentive payments federal fund	No limit
State sexual assault and domestic violence coalitions	
grants federal fund	No limit
Public health/social services emergency response federal fund	
Assistance in transition from homelessness federal fund	
Adoption assistance federal fund	No limit
Chafee foster care independence program federal fund	No limit
Traumatic brain injury state demonstration grant program	
federal fund	No limit
Refugee and entrant assistance federal fund	No limit
Refugee and entrant assistance federal fund. Head start federal fund.	No limit
Refugee and entrant assistance federal fund Head start federal fund Developmental disabilities basic support federal fund	No limit
Head start federal fund Developmental disabilities basic support federal fund	No limitNo limit
Head start federal fund Developmental disabilities basic support federal fund Children's justice grants to states federal fund	No limitNo limitNo limit
Head start federal fund	No limitNo limitNo limit
Head start federal fund	No limitNo limitNo limitNo limit
Head start federal fund	No limitNo limitNo limitNo limit
Head start federal fund	No limitNo limitNo limitNo limitNo limit
Head start federal fund	No limitNo limitNo limitNo limitNo limit
Head start federal fund	No limitNo limitNo limitNo limitNo limit
Head start federal fund	

Rehabilitation services-vocational rehabilitation - ARRA

federal fund	No limit
Independent living older blind – ARRA federal fund	No limit
Substance abuse performance outcome grant federal fund	
Prevention fellowship program grant federal fund	
Federal Olmstead grant federal fund.	
ADAS data collection grant federal fund.	
Child care discretionary federal fund	
Money follows the person rebalancing demonstration federal	
fund	No limit
Substance abuse and mental health services – projections of	
regional and national significance federal fund	No limit
regional and national significance redetal fund	NO IIIIII
Supplemental security income federal fund	No limit
Child support enforcement research federal fund	No limit
Mental health research grants federal fund	No limit
Child abuse and neglect discretionary federal fund.	
Children's health insurance federal fund	
(c) There is appropriated for the above agency from the cl	nildren's initiatives
fund for the fiscal year ending June 30, 2012, the following:	
Children's cabinet accountability fund	\$519,325
Provided, That any unencumbered balance in the children's cabinet a	
account in excess of \$100 as of June 30, 2011, is hereby reappropria	ated for fiscal year
2012.	area for fiscar year
2012.	·
2012. Children's mental health waiver	\$3,800,000
2012.	\$3,800,000 ntal health waiver
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679 in excess of \$100
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679 in excess of \$100 \$7,158,744
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679 in excess of \$100 \$7,158,744 et early childhood
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679 in excess of \$100 \$7,158,744 et early childhood
Children's mental health waiver	\$3,800,000 htal health waiver ated for fiscal year \$5,033,679 in excess of \$100 \$7,158,744 et early childhood \$0, 2011, is hereby
Children's mental health waiver	\$3,800,000 ntal health waiver ated for fiscal year \$5,033,679 in excess of \$100 \$7,158,744 et early childhood \$0, 2011, is hereby \$66,584
Children's mental health waiver	\$3,800,000 atal health waiver ated for fiscal year \$5,033,679 in excess of \$100 at \$7,158,744 at early childhood \$10, 2011, is hereby \$66,584 account in excess of
Children's mental health waiver	\$3,800,000 atal health waiver ated for fiscal year stated for fiscal year \$5,033,679 in excess of \$100 at \$7,158,744 at early childhood \$60, 2011, is hereby \$66,584 account in excess of \$2.
Children's mental health waiver	\$3,800,000 atal health waiver ated for fiscal year stated for fiscal year \$5,033,679 in excess of \$100 at \$7,158,744 at early childhood \$10, 2011, is hereby \$66,584 account in excess of \$2.

Quality initiative infants & toddlers\$479,	257
Provided, That any unencumbered balance in the quality initiative infants and todd	lers
account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal y 2012.	/ear
Early childhood block grant\$10,615,	408
<i>Provided</i> , That any unencumbered balance in the early childhood block grant account excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	ıt in
0.0000 01 4100 us 01 0 us 0 0 0, 2011, is 11000 y 10 upp 10 p 1 us 0 1 1 1 1 1 1 1 1 2 1 1 2 1 2 1 2 1 2 1	
Reading roadmap program\$933,	137
Provided, That all expenditures from the reading roadmap program account shall be grants awarded on a competitive basis for proposals for reading centers based research-based models in targeted school districts with the long-term goal of improv fourth-grade reading scores: Provided further, That the grants shall require a \$1 for match from nonstate government or private sources: And provided further, That goals of the reading roadmap program are to encourage and expand early childhereading as a means of lifting children out of poverty.	for on ving \$1 the
Family centered system of care\$4,750,	000
Provided, that any unencumbered balance in the family centered system of care accoin excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
(d) There is appropriated for the above agency from the Kansas endown	nent
for youth fund for the fiscal year ending June 30, 2012, the following:	
Children's cabinet administration\$262,	
(e) There is appropriated for the above agency from the state instituti	ons
building fund for the fiscal year ending June 30, 2012, the following:	 .
Energy conservation improvement debt service\$66,	279

(f) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2012 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

system.

- (g) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, or of another federal fund of the department of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (h) On July 1, 2011, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital canteen fund to the Osawatomie state hospital patient benefit fund.
- (i) On July 1, 2011, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center canteen fund to the Parsons state hospital and training center patient benefit fund
- (j) On July 1, 2011, the superintendent of Larned state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital canteen fund to the Larned state hospital patient benefit fund.
- (k) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.
- (I) During the fiscal year ending June 30, 2012, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.
- (m) During the fiscal year ending June 30, 2012, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2012, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation

services from any such moneys appropriated for fiscal year 2012 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2012.

- (n) During the fiscal year ending June 30, 2012, no moneys paid by the department of social and rehabilitation services from the mental health and retardation services aid and assistance account of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the department of social and rehabilitation services, the legislative division of post audit, or another state agency with access to its financial records upon request for such access.
- (o) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2012 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: Provided further. That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: And provided further. That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: And provided further. That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the social welfare fund.
- (p) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC medicaid assistance NF account of the state general fund of the department on aging to the LTC medicaid assistance HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of

legislative research: *And provided further,* That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2012 with expenditure data regarding this program.

- (q) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the problem gambling and addiction grant fund of the department of social and rehabilitation services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of social and rehabilitation services by other state agencies which receive appropriations from the state general fund to provide such services.
- (r) In addition to the other purposes for which expenditures may be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012, expenditures shall be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012 in an amount of not less than \$10,202,779, to provide funding for the early head start program.
- (s) On July 1, 2011, or as soon thereafter as money is available, the director of accounts and reports shall transfer \$6,700,000 from the state general fund to the children's initiatives fund.

Sec. 112.

KANSAS GUARDIANSHIP PROGRAM

Sec. 113.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality)......\$10,411,517

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*; That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto: *And provided further*; That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978, and amendments thereto.

thereto: *And provided further,* That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Educable deaf-blind and severely handicapped children's	
programs aid	\$110.000
r · 8 · · · · · · · · · · · · · · · · ·	, .,
School district juvenile detention facilities and Flint Hills job	
corps center grants.	\$6,012,355

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further,* That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187, and amendments thereto.

Any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-1398, and amendments thereto: *And provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:			
State school district finance fund			
School district capital improvements fund			
Provided, That expenditures from the school district capital improvements fund shall be			
made only for the payment of general obligation bonds approved by voters under the			
authority of K.S.A. 72-6761, and amendments thereto.			
School district capital outlay state aid fund			
Conversion of materials and equipment fund			
State safety fund			
School bus safety fund			

Motorcycle safety fund	
Federal indirect cost reimbursement fund	No limit
Teacher and administrator fee fund.	
Food assistance – federal fund	
Education jobs fund – federal	
Food assistance – school breakfast program – federal fund	
Food assistance – national school lunch program – federal fund	No limit
Food assistance – child and adult care food program – federal	NT. 1114
fund	No limit
Elementary and secondary school aid – federal fund	No limit
Elementary and secondary school aid – educationally deprived	
children – federal fund	No limit
Educationally deprived children – state operations – federal fund	No limit
Elementary and secondary school – educationally deprived	
children – LEA's fund	No limit
ESEA chantan II atata an antique followed found	NI. limit
ESEA chapter II – state operations – federal fund	NO IIMIL
Education of handicapped children fund – federal Education of handicapped children fund – state operations –	No ilmit
federal fund	No limit
reactal fund.	NO IIIIII
Education of handicapped children fund – preschool – federal	NT 11 14
fund	No limit
Education of handicapped children fund – preschool state	
operations – federal	No limit
operations readran	
Elementary and secondary school aid – federal fund – migrant	
education fund	No limit
Elementary and secondary school aid – federal fund – migrant	
education – state operations	No limit
Vocational education amendments of 1968 – federal fund	NI. limit
Vocational education title II – federal fund	
Vocational education title II – federal fund – state operations	
Educational research grants and projects fund	
Drug abuse fund – department of education – federal	No limit
Federal K-12 fiscal stabilization fund	JIMII ONL
Incorpios education workshop for fund	No IImii
Inservice education workshop fee fund	
fund for operating expenditures, including official hospitality, incurred in	
workshops and conferences: <i>Provided further,</i> That the state board of	
hereby authorized to fix, charge and collect fees for inservice work	
nereby authorized to fix, charge and collect fees for inservice wol	ksnops and

conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and bequests fund
<i>Provided,</i> That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the
interactive video conference facility of the department of education: <i>Provided further</i> . That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: <i>And provided further</i> , That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interactive video fee fund.

Reimbursement for services fund.	No	lımıt
Communities in schools program fund	No	limit
Governor's teaching excellence scholarships program repayment		
fund	No	limit

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments thereto: Provided further, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: And provided further, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: And provided further, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Elementary and secondary school aid – federal fund – reading first	No limit
Elementary and secondary school aid – federal fund – reading first – state operations	No limit
State grants for improving teacher quality – federal fund	No limit
state operations	No limit

21st century community learning centers – federal fund	No limit
State assessments – federal fund	No limit
Rural and low-income schools program – federal fund	No limit
Language assistance state grants – federal fund	No limit
Service clearing fund	No limit
Helping schools license plate program fund	No limit
(c) There is appropriated for the above agency from the children	n's initiatives
fund for the fiscal year ending June 30, 2012, the following:	
Pre-K program	\$4,799,812
Parent education program	\$7,237,635
Provided, That expenditures from the parent education program account to	for each such
grant shall be matched by the school district in an amount which is equa	al to not less
than 65% of the grant.	

- (d) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.
- (e) On March 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the state safety fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*; That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.
- (f) On June 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the state safety fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*; That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.
- (g) On July 1, 2011, and quarterly thereafter, the director of accounts and reports shall transfer \$61,789 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.
- (h) On July I, 2011, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of

the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 114.

programming projects.

STATE LIBRARY

for the fiscal year ending June 30, 2012, the following: Operating expenditures	(a) There is appropriated for the above agency from the state general fund
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000. Grants to libraries and library systems	
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000. Grants to libraries and library systems	
Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000. Grants to libraries and library systems	
Grants to libraries and library systems	
Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	0 405 710
account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: <i>Provided further</i> ; That, of the moneys appropriated in the grants to libraries and library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
2012: Provided further, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
according to contracts with the subregional libraries of the Kansas talking book services. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: State library fund	
expenditures other than refunds authorized by law shall not exceed the following: State library fund	
State library fund	
Federal library services and technology act – fund	
Grants and gifts fund	
KANSAS ARTS COMMISSION (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures	
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures	Sec. 115.
for the fiscal year ending June 30, 2012, the following: Operating expenditures	
Operating expenditures	
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2012: <i>Provided, however</i> , That expenditures from the operating expenditures account for	
excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2012: <i>Provided, however</i> , That expenditures from the operating expenditures account for	
Provided, however, That expenditures from the operating expenditures account for	
official hospitality shall not exceed \$4,000. I fortuea juriner, That expenditures may be	
made by the above agency from any amount of savings in the operating expenditures	
account shall be utilized for the purpose of matching federal grant moneys, local grant	
moneys, or local in-kind contributions, or any combination thereof, for arts	

Arts programming grants and challenge grants......\$470,915 *Provided*, That expenditures from the arts programming grants and challenge grants account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art: *Provided further*; That expenditures from this account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Kansas arts commission gifts, grants and bequests — federal

Sec. 116.

KANSAS STATE SCHOOL FOR THE BLIND

Arts for the handicapped.....\$133,847

Special bequest fund	No limit
Gift fund	
Technology lending library – federal fund	
Nine month payroll clearing fund	No limit
Food assistance – cash for commodities – federal fund	No limit
Food assistance – breakfast – federal fund	No limit
Food assistance – lunch – federal fund	No limit
Chapter I handicapped – federal fund	No limit
Education improvement – federal fund	
Elementary and secondary education act – federal fund	No limit
Special education assistance – ARRA – federal fund	No limit
E-rate grant – federal fund.	No limit
Preparation and mentoring of teachers of the blind and	
visually impaired – federal fund	No limit
Improve teacher quality grant – federal fund	No limit
School breakfast program – federal fund	
Special education preschool grants – federal fund	
(c) On July 1, 2011, the chapter I handicapped – federal fund of	
state school for the blind is hereby redesignated as the workforce investmen	
activities – federal fund of the Kansas state school for the blind.	it det youth
(d) On July 1, 2011, the special education assistance – ARRA –	federal fund
of the Kansas state school for the blind is hereby redesignated as the special	
state grants – federal fund of the Kansas state school for the blind.	
Sec. 117.	
KANSAS STATE SCHOOL FOR THE DEAF	
(a) There is appropriated for the above agency from the state g	eneral fund
for the fiscal year ending June 30, 2012, the following:	
Operating expenditures.	.\$8,499,634
Provided, That any unencumbered balance in the operating expenditures account in	
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
(b) There is appropriated for the above agency from the follow	
revenue fund or funds for the fiscal year ending June 30, 2012, all mon	
hereafter lawfully credited to and available in such fund or funds,	except that
expenditures other than refunds authorized by law shall not exceed the follow	ving:
General fees fund	
Local services reimbursement fund.	
Provided, That the Kansas state school for the deaf is hereby authorized to	
collect a fee of 20% of the total cost of services provided to local scho	
Provided further, That all moneys received from such fees shall be deposited	
treasury in accordance with the provisions of K.S.A. 75-4215, and amendment	ents thereto,
and shall be credited to the local services reimbursement fund.	
Student activity fees fund	No limit
Elementary and secondary education act – federal fund	INO IIIIIII
Elementary and secondary education act 2009 ARRA – federal	

Vocational education fund – federal. No limit School lunch program – federal fund. No limit Special bequest fund. No limit Special workshop fund. Special workshop fund. No limit Special workshop fund. No limit Special education state grants – federal fund. No limit Special education state grants ARRA – federal fund. No limit Special education state grants ARRA – federal fund. No limit Special education preschool ARRA – federal fund. No limit Special education preschool ARRA – federal fund. No limit Improve teacher quality grant – federal fund. No limit School breakfast program – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education preschool grants – federal fund. No limit Special education funds for the fiscal year ending June 30, 2012, 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: Credit card clearing fund. No limit Provided, That expenditures may be made fr	fund	No limit
School lunch program – federal fund	Vocational education fund – federal	No limit
Special workshop fund	School lunch program – federal fund	No limit
Gift fund	Special bequest fund	No limit
No limit Special education state grants – federal fund	Special workshop fund	No limit
Special education state grants – federal fund	Gift fund	No limit
Special education state grants ARRA – federal fund	Nine month payroll clearing fund	No limit
Special education preschool ARRA – federal fund		
Improve teacher quality grant – federal fund		
School breakfast program – federal fund		
National school lunch program ARRA – federal fund		
Special education preschool grants – federal fund		
STATE HISTORICAL SOCIETY (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures	Special education preschool grants federal fund	NO IIIIII
STATE HISTORICAL SOCIETY (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures		NO IIIIII
for the fiscal year ending June 30, 2012, the following: Operating expenditures		
Operating expenditures	(a) There is appropriated for the above agency from the s	state general fund
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,463. Kansas humanities council	for the fiscal year ending June 30, 2012, the following:	
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,463. Kansas humanities council	Operating expenditures	\$4,900,739
Provided, however, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,463. Kansas humanities council	Provided, That any unencumbered balance in the operating expend	litures account in
Kansas humanities council	excess of \$100 as of June 30, 2011, is hereby reappropriated for	fiscal year 2012:
Kansas humanities council		tures account for
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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: Credit card clearing fund	official hospitality shall not exceed \$2,463.	
denogited in the state transury in accordance with the previous of V V A 75 1715 and		\$64,361
	revenue fund or funds for the fiscal year ending June 30, 2012, all hereafter lawfully credited to and available in such fund or fu expenditures other than refunds authorized by law shall not exceed the Credit card clearing fund	following special moneys now or nds, except that following:

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: Provided further, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records: Provided further, That the state historical society is hereby authorized to fix, charge and collect fees for such services: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: And provided further, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the records center fee fund.	
Historic properties fee fund	
Historic preservation grants in aid fund	
Historic preservation overhead fees fund	
National historic preservation act fund – local	
Private gifts, grants and bequests fund	
Museum and historic sites visitor donation fund	
Insurance collection replacement/reimbursement fund	
Heritage trust fund	
Land survey fee fund	
National trails fund	
State historical society facilities fund	
Historic properties fund	
Law enforcement memorial fund	
Highway planning/construction fundNo limit	
Save America's treasures fund	
Property sale proceeds fund	
Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and	
amendments thereto, shall be deposited in the state treasury and credited to the property	
sale proceeds fund.	

Amelia Earhart bridge mitigation project fund	.No limit
FORT HAYS STATE UNIVERSITY (a) There is appropriated for the above agency from the state gen for the fiscal year ending June 30, 2012, the following: Operating expenditures (including official hospitality)	2,404,650 including
Master's-level nursing capacity Kansas wetlands education center at Cheyenne bottoms Provided, That any unencumbered balance in the Kansas wetlands education Cheyenne bottoms account in excess of \$100 as of June 30, 2011, is reappropriated for fiscal year 2012.	\$262,764 center at
Kansas academy of math and science	g special s now or cept that
General fees fund	h federal
Restricted fees fund	accounts: rts center memorial es, clinics services; services; athletics; vices for idwestern ctions not ents, with s hereby guidelines ay amend as shall be

amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*; That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*; That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*; That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act – federal fund	
Service clearing fund	
Provided, That the service clearing fund shall be used for the follow	
activities: Computer services, storeroom for official supplies including offi	
paper products, janitorial supplies, printing and duplicating, car pool, po	
center, and telecommunications and such other internal service activity	
authorized by the state board of regents under K.S.A. 76-755, and amendme	nts thereto.
Commencement fees fund	No limit
Health fees fund	
Provided, That expenditures from the health fees fund may be made for the	
medical malpractice liability coverage for individuals employed on the m	edical staff,
including pharmacists and physical therapists, at the student health center.	
Student union fees fund	No limit
Provided, That expenditures may be made from the student union fee fund	
hospitality.	
Kansas career work study program fund	No limit
Economic opportunity act – federal fund.	
Kansas comprehensive grant fund	
Faculty of distinction matching fund	No limit
Nine month payroll clearing account fund.	No limit
Federal Perkins student loan fund.	No limit
Housing system revenue fund	
Provided, That expenditures may be made from the housing system rever	iue fund for
official hospitality.	
Institutional overhead fund.	No limit
Oil and gas royalties fund	No limit
Housing system suspense fund.	No limit
Housing system operations fund.	
Housing system repairs, equipment and improvement fund	
Sponsored research overhead fund	
Kansas distinguished scholarship fund	No limit

Federal higher education fiscal stabilization fund –

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 120.

KANSAS STATE UNIVERSITY

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education publications and services; guaranteed student loan application processing; student identification card: auditorium receipts: catalog sales: emission spectroscopy fees: interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education - Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations - construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences: student government association receipts; regents educational communications center: late registration fee: engineering equipment fee: architecture equipment fee; biotechnology facility; English language program; international programs: Bramlage coliseum: planning and analysis: telecommunications; comparative medicine; other specifically designated receipts not available for general operations of the university: Provided, however. That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further. That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further. That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: And provided further, That expenditures may be made from the restricted fees fund for official hospitality.

internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

, , , , , , , , , , , , , , , , , , , ,	
Sponsored research overhead fund	
Housing system suspense fund	mit
Housing system repairs, equipment and improvement fund	mit mit the the
Scholarship funds fund	mit
Johnson county education research triangle fund	
Energy conservation improvements fund	

director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund to the Perkins student loan fund.

Sec 121

reappropriated for fiscal year 2012.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy - Ashland farm; KSU agricultural research center - Hays; KSU southeast agricultural research center: KSU southwest research extension center: agronomy – general: agronomy – experimental field crop sales; entomology sales; grain science and industry - Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further. That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or

purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2012.

Fertilizer research fund	No limit
Sponsored research overhead fund.	No limit
Federal extension fund	No limit
Federal experimental station fund	No limit
Federal awards – advance payment fund.	No limit
Smith-Lever special program grant – federal fund	No limit
Faculty of distinction matching fund	No limit
Agricultural land use-value fund	No limit
University federal fund	No limit
Provided, That expenditures may be made by the above agency from the	
federal fund to purchase insurance for equipment purchased through re	search and
training grants only if such grants include money for and authorize the purch	ase of such
insurance.	

Federal higher education fiscal stabilization fund – Kansas state university extension systems and agriculture research

- (c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following: Agricultural experiment stations......\$300,175
- (d) During the fiscal year ending June 30, 2012, no moneys appropriated from the state general fund or any special revenue fund for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for (1) any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age, or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 vears of age to 9 years of age.

Sec. 122.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012. (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Provided. That expenditures may be made from the general fees fund to match federal grant moneys. Restricted fees fund No limit *Provided.* That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants: sponsored construction or improvement projects; technology equipment; pathology

fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: Provided, however. That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further. That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund – Kansas

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund to the health professions student loan fund.

Sec. 123.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality)......\$30,616,575

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reading recovery program......\$215,112 Nat'l Board Cert/Future Teacher Academy.....\$129,050

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided. That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given: physical plant reimbursements from auxiliary enterprises: midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*; That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*; That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund.

Service clearing fund	following service ate car operation; I plant storeroom er internal service
Commencement fees fund	No limit
Kansas career work study program fund	No limit
Student health fees fund	
Provided, That expenditures from the student health fees fund may	be made for the
purchase of medical malpractice liability coverage for individuals medical staff, including pharmacists and physical therapists, at the study	
Faculty of distinction matching fund	No limit
Bureau of educational measurements fund	No limit
National direct student loan fund.	
Economic opportunity act – work study – federal fund	No limit
Educational opportunity grants – federal fund	No limit
Basic opportunity grant program – federal fund	No limit
Research and institutional overhead fund	No limit
Kansas comprehensive grant fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Kansas distinguished scholarship fund.	
University federal fund	No limit
Provided, That expenditures may be made by the above agency from	
federal fund to purchase insurance for equipment purchased through	
training grants only if such grants include money for and authorize the insurance.	purchase of such
Leveraging educational assistance partnership federal fundFederal higher education fiscal stabilization fund –	No limit
Emporia state university	No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the

director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund.

Sec 124

PITTSBURG STATE UNIVERSITY

hereafter lawfully credited to and available in such fund or funds, except that

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees: ROTC activities; continuing education receipts: vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; Midwest Quarterly; chamber music series; contract - post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: Provided, however, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further. That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or

purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fundN	o limit
Provided, That the service clearing fund shall be used for the following s	
activities: Duplicating and printing services; instructional media division;	
stationery and supplies; motor carpool; postage services; photo services; tele	
services; and such other internal service activities as are authorized by the state bo	oard of
regents under K.S.A. 76-755, and amendments thereto.	
Hospital and student health fees fund	o limit
Provided, That expenditures from the hospital and student health fees fund m	nay be
made for the purchase of medical malpractice liability coverage for indiv	
employed on the medical staff, including pharmacists and physical therapists,	
student health center: Provided further, That expenditures may be made from thi	
for capital improvement projects for hospital and student health center improvement	ents.
Suspense fund	o limit
Faculty of distinction matching fundN	
Perkins student loan fund	
Sponsored research overhead fund	
College work study fund	
Nursing student loan fund	
Housing system suspense fund	
Housing system operations fund	o limit
Housing system repairs, equipment and improvement fundN	
Kansas comprehensive grant fund	
Kansas distinguished scholarship program fund	
University federal fund	
Provided, That expenditures may be made by the above agency from the univ	
federal fund to purchase insurance for equipment purchased through research	
training grants only if such grants include money for and authorize the purchase of	or such
insurance.	

(c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Federal higher education fiscal stabilization fund –

Sec. 125.

UNIVERSITY OF KANSAS (a) There is appropriated for the above agency from the state general fund.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures (including official hospitality)
Geological survey
Umbilical cord matrix project
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Parking facilities revenue fund
Regents center development fund
Interest fund
Law enforcement training center fees fund

Restricted fees fund No limit

the state treasury and credited to the law enforcement training center fees fund.

Provided. That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program: executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: Provided, however. That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: Provided further, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further. That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund. Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Kansas comprehensive grant fund
Standardized water data repository fund
Sec. 126. UNIVERSITY OF KANSAS MEDICAL CENTER (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures (including official hospitality)
Medical scholarships and loans
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: General fees fund

 $\ensuremath{\textit{Provided}}\xspace$, That expenditures may be made from the general fees fund to match federal grant moneys.

Faculty of distinction matching fund
Provided, That restricted fees shall be limited to the following accounts: Technology
equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance
premiums; gift receipts; designated research collaboration; facilities use; photography;
continuing education; student activity fees; student application fees; department
duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer
remote access; employee health; telekid care fees; area outreach fees; police fees;
endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority
salary reimbursements; graduate medical education contracts; Kansas university
physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers;
biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal
fee reimbursements; sponsored research; departmental commercial receipts for all sales,
refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: <i>Provided, however,</i> That
the state board of regents, with the approval of the state finance council acting on this
matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments
thereto, may amend or change this list of restricted fees: <i>Provided further,</i> That all
restricted fees shall be deposited in the state treasury in accordance with the provisions
of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or
purposes for which collected: And provided further, That expenditures may be made
from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.
, 3

Scientific research and development – special revenue fund	
Kansas breast cancer research fund.	No limit
Sponsored research overhead fund	No limit
Parking fund – Wichita campus	No limit
Services to hospital authority fund.	No limit
Direct medical education reimbursement fund.	No limit
Service clearing fund	No limit
Provided, That the service clearing fund shall be used for the following	ng service
activities: Printing services; purchasing storeroom; university motor pool	l; clothing
(uniforms); physical plant storeroom; photo services; telecommunications	s services;
facilities operations discretionary repairs; animal care; graphic services; in	structional
services; biomedical engineering; audiovisual services; computing services;	and such
other internal service activities as are authorized by the state board of reg	ents under
K.S.A. 76-755, and amendments thereto.	

Educational nurse faculty loan program fund	No limit
Federal college work study fund	
AMA education and research grant fund	No limit
Federal health professions/primary care student loan fund	No limit
Federal nursing student loan fund	No limit
Suspense fund	
Federal student educational opportunity grant fund	
Federal Pell grant fund	No limit
Federal Perkins student loan fund	No limit
Medical loan repayment fund	
Provided, That expenditures from the medical loan repayment fund for a and litigation costs associated with the administration of the medical scholoan program shall be in addition to any expenditure limitation imposperating expenditures account of the medical loan repayment fund or expenditures from the medical loan repayment fund.	olarship and sed on the
Medical student loan programs provider assessment fund	No limit
Graduate medical education administration reserve fund.	
University of Kansas medical center private practice	
foundation reserve fund	No limit
Robert Wood Johnson award fund	No limit
Federal scholarship for disadvantaged students fund	
University federal fund	
Leveraging educational assistance partnership federal fund	No limit
Graduate medical education support fund	No limit
Johnson county education research triangle fund	No limit
Federal higher education fiscal stabilization fund – university of Kansas medical center	No limit
Wichita center for graduate medical education federal fiscal stabilization fund	No limit

- (c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.
- (d) During the fiscal year ending June 30, 2012, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.
 - (e) During the fiscal year ending June 30, 2012, the director of accounts and

reports shall transfer an amount specified by the chancellor from the general fees fund to the student health insurance premiums account of the restricted fees fund.

Sec. 127.

WICHITA STATE UNIVERSITY

(b) There is appropriated for the above agency from the following special

Provided. That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: Provided, however. That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further.* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: And provided further, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: And provided further. That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: And provided further, That expenditures may be made from this fund for official hospitality.

activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund	NT - 11 14
Kansas career work study program fund	
Scholarship funds fund	
Economic opportunity act – federal fund	
Education opportunity grant – federal fund	
Matching education opportunity grant fund	NO IIMIL
Health professions student assistance program – loans fund	
Nine month payroll clearing account fund	
Pell grants fund	
Housing system suspense fund	
Housing system operations fund	No limit
Housing system renovation principal and interest fund	
Housing system renovation and bond reserve fund	No limit
WSU housing system depreciation and replacement fund	No limit
Perkins loan fund	
Kansas distinguished scholarship fund	
Kansas comprehensive grant fund	
WSU housing systems revenue fund	No limit
University federal fund	
Provided, That expenditures may be made by the above agency fro	
federal fund to purchase insurance for equipment purchased throu	gh research and
training grants only if such grants include money for and authorize the	
training grants only if such grants include money for and authorize the insurance.	
insurance.	purchase of such
insurance. Leveraging educational assistance partnership – federal fund	purchase of such
insurance. Leveraging educational assistance partnership – federal fund	purchase of suchNo limit
insurance. Leveraging educational assistance partnership – federal fund	purchase of suchNo limit
insurance. Leveraging educational assistance partnership – federal fund Federal higher education fiscal stabilization fund – Wichita state university	purchase of suchNo limitNo limit
insurance. Leveraging educational assistance partnership – federal fund Federal higher education fiscal stabilization fund – Wichita state university Center of innovation for biomaterials in orthopaedic research – Wichita	purchase of suchNo limitNo limit
insurance. Leveraging educational assistance partnership – federal fund Federal higher education fiscal stabilization fund – Wichita state university	purchase of suchNo limitNo limit
insurance. Leveraging educational assistance partnership – federal fund	purchase of such
insurance. Leveraging educational assistance partnership – federal fund	purchase of such
Leveraging educational assistance partnership – federal fund	purchase of such
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Leveraging educational assistance partnership – federal fund	purchase of such
Leveraging educational assistance partnership – federal fund	
Leveraging educational assistance partnership – federal fund	purchase of such
Leveraging educational assistance partnership – federal fund	purchase of such

appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2012 may only be expended for training and equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2011, and June 30, 2012, in addition to the other purposes for which expenditures may be made by Wichita state university from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2011 or fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund for fiscal year 2011 and fiscal year 2012, after consultation with the national institute for aviation research, to provide for the establishment of a technical training board: Provided, That, except as otherwise provided in this subsection (d), such board shall be similar in composition to the aviation research board and shall advise the president of Wichita state university, and others representing Wichita state university, on all expenditures from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012: Provided further, That such board shall review and evaluate all such expenditures: And provided further. That the executive director of the national institute for aviation research shall be the administrator for the technical training board: And provided further, That the membership of the technical training board shall include representatives of Sedgwick county and representatives of the Wichita area technical college as ex-officio, nonvoting members: And provided further, That the technical training board shall prepare and submit a report to the legislature, which shall be presented to the education budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate, not later than the calendar day of the 2012 regular session of the legislature, detailing the findings of the technical training board regarding the expenditures by Wichita state university from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012.

Sec. 128.

STATE BOARD OF REGENTS

of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: And provided further, That, during fiscal year 2012, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2012 by the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2012 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas; And provided further. That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: And provided further, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: And provided further. That the plan shall be submitted to the governor and the legislature on or before September 1, 2011.

Comprehensive grant program......\$14,758,338 *Provided,* That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Ethnic minority scholarship program.......\$296,498 *Provided,* That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012

Kansas work-study program.......\$496,813 *Provided,* That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further,* That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships
Military service scholarships
Teachers scholarship program\$1,846,320 <i>Provided,</i> That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
National guard educational assistance
Vocational scholarships
Nursing student scholarship program
Optometry education program
Municipal university operating grant

the aggregate amount of funding from community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the postsecondary tiered technical education state aid account and the non-tiered course credit hour grant account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical education account and other institutions aid for technical education account and other institutions aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.

Non-tiered course credit hour grant.......\$79.853.632 Provided. That, if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2012, from the combined funding of non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account and are less than the amount of moneys appropriated for the fiscal year 2011, from the aggregate amount of funding from community college operating grant account. technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.

Technology equipment at community col	leges and
Washburn university	\$398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital outlay aid	\$71,585
Payment to KPERS	
Tuition waivers	\$84,657
Nurse educator grant program	\$188,126
Provided, That any unencumbered balance in the nurse educator grant	program account
in excess of \$100 as of June 30, 2011, is hereby reappropriated for	fiscal year 2012:
Provided further, That all expenditures from the nurse educator grant	program account

shall be made for scholarships awarded under the nurse educator service scholarship program act.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Provided. That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: Provided, however, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: Provided further, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: And provided further, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both: And provided further. That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

from the KAN-ED fund for fiscal year 2012 for the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the state board of regents from the KAN-ED fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 75-7225, and amendments thereto, or any other statute, for the expenses of the legislative KAN-ED study committee to evaluate the KAN-ED program for efficiency and effectiveness in providing schools, libraries and hospitals broadband internet access: And provided further, That, such study shall be designed to: (1) Determine the economic value of the KAN-ED program to the state: (2) describe how KAN-ED funds are used: (3) determine if there is a more cost efficient way to provide schools, libraries and hospitals broadband internet access; (4) describe any alternate ways to provide schools, libraries and hospitals broadband internet access; and (5) compare the costs of alternatives to the KAN-ED program: And provided further, That, the legislative KAN-ED study committee shall be appointed by the legislative coordinating council and composed of equal members from the senate and the house of representatives, including representation of the minority party: And provided further. That, the staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the legislative KAN-ED study committee and authorized by the legislative coordinating council: And provided further. That, each member of the legislative KAN-ED study committee attending meetings of such committee approved by the legislative coordinating council, or attending a subcommittee meeting thereof authorized by such committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from the KAN-ED fund: And provided further, That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

KAN-ED federal fund	No limit
Earned indirect costs fund – federal.	No limit
Faculty of distinction program fund	No limit
Paul Douglas teacher scholarship fund – federal	No limit
GED credentials processing fees fund	No limit
Proprietary school fee fund	No limit
Tuition waiver gifts, grants and reimbursements fund	No limit
Adult basic education – federal fund	No limit
Truck driver training fund	No limit
No child left behind federal fund	No limit
Comprehensive grant program discontinued attendance fund	No limit
State scholarship discontinued attendance fund	No limit
Kansas ethnic minority fellowship program fund	No limit
Private postsecondary educational institution degree authorization expense	
reimbursement fee fund	No limit
Substance abuse education fund – federal.	No limit

Nursing service scholarship program fund	No limit
Clearing fund.	No limit
Conversion of materials and equipment fund.	No limit
Teacher scholarship program fund	No limit
Motorcycle safety fund	No limit
Financial aid services fee fund.	No limit
Provided, That expenditures may be made from the financial aid service	es fee fund for
operating expenditures directly or indirectly related to the operating c	
with student financial assistance programs administered by the state bo	
Provided further; That the chief executive officer of the state board of re	
authorized to fix, charge and collect fees for the processing of applications	
activities related to student financial assistance programs administere	
board of regents: And provided further, That such fees shall be fixed in co	
all or a part of the direct and indirect operating expenses incurred for	
such programs: And provided further, That all moneys received for such	
deposited in the state treasury in accordance with the provisions of K.S.A	
amendments thereto, and shall be credited to the financial aid services fee	tuna.
Inservice education workshop fee fund	No limit
Optometry education repayment fund	No limit
Teacher scholarship repayment fund.	NO IIIIII
Advanced registered nurse practitioner service scholarship	NO IIIIII
program fund	NI. limit
program lund	NO IIMIL
Nursing service scholarship repayment fund	No limit
Nurse educator service scholarship repayment fund.	
ROTC service scholarship program fund	
ROTC service scholarship program fund	No limit
Carl D. Perkins vocational and technical education – federal fund	
Carl D. Perkins vocational and technical education – rederal fund	NO IIIIII
	NI. limit
federal fund – state operations	No limit
College access challenge grant program.	NI. limit
Kansas national guard educational assistance program	NO IIMIL
	NT. 1554
repayment fund	No limit
Coul D. Doubing to desiral agreemention. So double for d	NI. limit
Carl D. Perkins technical preparation – federal fund	
Grants fund	NO IIMIL
Workforce development loan fund	
Regents clearing fund	No limit
Private and out-of-state postsecondary educational institution	37 11 11
fee fund	No limit
Fadamilhinhan advertion final stability of the Conf	NT. 11 14
Federal higher education fiscal stabilization fund	No limit
Federal higher education fiscal stabilization fund – community	XT 11 14
colleges	No limit

Federal higher education fiscal stabilization fund – municipal university	No limit
Federal higher education fiscal stabilization fund – postsecondary technical education	No limit
Statewide data systems ARRA – unifying data systems to support systemic changes fund	No limit

- (c) During the fiscal year ending June 30, 2012, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2012, to another item of appropriation in an account of the state general fund for fiscal year 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, "account" (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each other account of the state general fund of the state board of regents.
- (d) During the fiscal year ending June 30, 2012, the chief executive officer of the state board of regents, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys that are received under a federal grant and that are credited to a federal fund of the state board of regents to a federal fund of an institution under the supervision and management of the state board of regents during the fiscal year ending June 30, 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and to the director of legislative research. As used in this subsection (e). "federal fund" means (1) the federal flexible fiscal stabilization fund, the federal higher education fiscal stabilization fund – community colleges, the federal higher education fiscal stabilization fund – municipal university, or the federal higher education fiscal stabilization fund – postsecondary technical education of the state board of regents, (2) the federal flexible fiscal stabilization fund – university of Kansas, the federal flexible fiscal stabilization fund – university of Kansas medical center, the federal flexible fiscal stabilization fund – Kansas state university. the federal flexible fiscal stabilization fund – Kansas state university veterinary medical center, the federal flexible fiscal stabilization fund – Kansas state university extension systems and agriculture research programs, the federal flexible fiscal stabilization fund - Wichita state university, the federal flexible fiscal stabilization fund - Emporia state university, the federal flexible fiscal stabilization fund – Pittsburg state university, and the federal flexible fiscal stabilization fund - Fort Hays state university of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education.

- (e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for such state educational institution as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for the purposes of capital improvement projects making energy and other conservation improvements: Provided, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2012: Provided, however. That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*. That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session: And provided further. That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: And provided further, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost sayings sufficient to be equal or greater than the cost of debt service on such bonds: And provided further, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2012 regular session of the legislature.
- (2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

SEDIF - technology innovation and in	ternship program	\$179,284
Provided, That any unencumbered bal	ance in excess of \$100 as of Jun	e 30, 2011, in the
SEDIF - technology innovation	and internship program acc	ount is hereby
reappropriated for fiscal year 2012.		

SEDIF – EPSCOR\$993,265
Community college competitive grants\$500,000
Provided, That all moneys in the community college competitive grants account shall be
for grants awarded to community colleges under a competitive grant program
administered by the secretary of commerce: Provided further, That all expenditures
from such account shall be for competitive grants to community colleges that require a
local match of nonstate moneys on a \$1 for \$1 basis and that will develop innovative
programs with private companies needing specific job skills or will meet other industry
needs that cannot be addressed with current funding streams.

- (h) During the fiscal year ending June 30, 2012, notwithstanding any provisions of subsection (f) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsection existed prior to June 30, 2009, to the contrary, the amount of \$6,000,000 shall be certified before July 1, 2012, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during the fiscal year 2012 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsections existed prior to June 30, 2009.

Sec. 129.

DEPARTMENT OF CORRECTIONS

made to such county from the community corrections account for either half of state fiscal year 2012 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Hutchinson correctional facility – facilities operations..........\$29,490,116 *Provided,* That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however,* That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however,* That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Any unencumbered balance in excess of \$100 as of June 30, 2011, in each of the following accounts is hereby reappropriated for fiscal year 2012: Department of corrections forensic psychologist fund.

Any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for the fiscal year 2012: *Provided further*, That expenditures may be made from the DUI treatment services account for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

Victim assistance fund	No limit
Ed Byrne memorial justice assistance grants – federal fund	.No limit
Violence against women – federal fund	.No limit
Sex offender management grant – federal fund	.No limit
Recovery act justice assistance – federal fund.	.No limit
Department of corrections state asset forfeiture fund	.No limit
Chapter I – federal fund	No limit
Victims of crime act – federal fund	
Correctional industries fund	
<i>Provided,</i> That expenditures may be made from the correctional industries official hospitality.	fund for
Ed Byrne state and local law assistance – federal fund	.No limit
Safeguard community grants – federal fund	
Workforce investment act – federal fund	
Workplace and community transition training – federal fund	
Corrections training and staff development – federal fund	.No limit
Second chance act – federal fund	.No limit
Alcohol and drug abuse treatment fund	.No limit
Provided, That expenditures may be made from the alcohol and drug abuse	
payments associated with providing treatment services to offenders who wer under the influence of alcohol or drugs regardless of when the services were re-	
State of Kansas – department of corrections inmate benefit fund	.No limit
federal	.No limit
Donaton de Comparison de la Confession d	NT. 1114
Department of corrections – general fees fund	
Provided, That expenditures may be made from the department of corrections fees fund for operating expenditures for training programs for correctional p including official hospitality: Provided further, That the secretary of correhereby authorized to fix, charge and collect fees for such programs: And further, That such fees shall be fixed in order to recover all or part of the expenses incurred for such training programs, including official hospital provided further, That all fees received for such programs shall be deposited in treasury in accordance with the provisions of K.S.A. 75-4215, and amendment and shall be credited to the department of corrections – general fees fund.	ersonnel, ections is provided operating lity: And the state s thereto,
JEHT reentry program fund	
Sedgwick county program fund	.No limit
Topeka correctional facility – community development block grant – federal fund	.No limit
Topeka correctional facility – bureau of prisons contract – federal fund	No limit
Topeka correctional facility – general fees fund	.No limit

Topeka correctional facility – laundry equipment depreciation	NI. 1::4
reserve fund	No limit
Hutchinson correctional facility – general fees fund	No limit
Federal flexible fiscal stabilization fund – Hutchinson	
correctional facility	No limit
Lansing correctional facility – general fees fund	No limit
Ellsworth correctional facility – general fees fund	No limit
Winfield correctional facility – general fees fund	No limit
Federal flexible fiscal stabilization fund – Winfield correctional	
facility	No limit
Norton correctional facility – general fees fund	No limit
Federal flexible fiscal stabilization fund – Norton correctional	
facility	No limit
El Dorado correctional facility – general fees fund	No limit
Larned correctional mental health facility – general fees fund	
Correctional services special revenue fund	
Community corrections supervision fund	
(a) D since the Great control in the 20, 2012, the seconds	

- (c) During the fiscal year ending June 30, 2012, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2012 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2012 for costs pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.
- (e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2012 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2011, a

detailed accounting of all such payments made from the correctional industries fund during fiscal year 2012.

- (f) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$233,750 from the correctional industries fund to the department of corrections general fees fund.
- (g) On October 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$800,000 from the correctional industries fund to the state general fund: *Provided,* That the transfer of each such amount shall be in addition to any other transfer from the correctional industries fund to the state general fund as prescribed by law: *Provided further,* That the amounts transferred from the correctional industries fund to the state general fund pursuant to this subsection are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of corrections by other state agencies which receive appropriations from the state general fund to provide such services.
- (h) On July 1, 2012, the chapter I federal fund of the department of corrections is hereby redesignated as the title I neglected and delinquent children federal fund of the department of corrections.
- (i) During the fiscal years ending June 30, 2011, and June 30, 2012, all expenditures made by the department of corrections from the correctional industries fund shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

Sec. 130.

JUVENILE JUSTICE AUTHORITY

contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Prevention and graduated sanctions community grants.......\$20,683,874 *Provided,* That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2011, and any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2011, are hereby reappropriated to the prevention and graduated sanctions community grants account for fiscal year 2012: *Provided further,* That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Medical assistance program – rederal fund	NO IIIIII
Title IVE fund	No limit
Juvenile accountability incentive block grant – federal fund	No limit
Juvenile justice delinquency prevention – federal fund	No limit
Juvenile detention facilities fund	\$3,575,963
Juvenile justice fee fund – central office	No limit
Juvenile justice federal fund – Larned juvenile correctional	
facility	No limit

Byrne grant – federal fund – Kansas juvenile correctional

complex	No limit
Kansas juvenile delinquency prevention trust fund Byrne grant – federal fund Prisoner reentry initiative demonstration – federal fund Comprehensive approaches to sex offender management discretionary grant – federal fund	No limitNo limit
Part E – developing, testing, and demonstrating promising new programs – federal fund	
Title V – delinquency prevention program – federal fund Block grants for prevention and treatment of substance abuse – federal fund	
Promoting safe and stable families – federal fund	No limit
fund Improving teacher quality state grants – federal fund Kansas juvenile correctional complex – juvenile accountability	No limit
Workforce investment act – federal fund – Kansas juvenile correctional complex	
National school lunch program – federal fund – Kansas juvenile correctional complex	No limit
National school lunch program – federal fund – Larned juvenile correctional facility	No limit
Atchison youth residential center fee fund	No limit
Kansas juvenile correctional complex fee fund	No limit
delinquent children – federal fund	

(c) During the fiscal year ending June 30, 2012, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state

general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2012 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

- (d) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2012 for purchase of services.
- (e) On July 1, 2011, the Title XIX fund of the juvenile justice authority is hereby redesignated as the medical assistance program federal fund of the juvenile justice authority.
- (f) On July 1, 2011, the Larned juvenile correctional facility elementary and secondary education fund federal of the juvenile justice authority is hereby redesignated as the Larned juvenile correctional facility title I neglected and delinquent children federal fund of the juvenile justice authority.
- (g) On July 1, 2011, the Kansas juvenile correctional complex elementary and secondary education fund federal of juvenile justice authority is hereby redesignated as the Kansas juvenile correctional complex title I neglected and delinquent children federal fund of the juvenile justice authority.
- (h) On July 1, 2011, the Beloit juvenile correctional facility fee fund of the juvenile justice authority is hereby abolished.
- (i) On July 1, 2011, the juvenile justice federal fund Beloit juvenile correctional facility of the juvenile justice authority is hereby abolished.
- (j) On July 1, 2011, the recovery act Byrne grant federal fund Kansas iuvenile correctional complex of the iuvenile justice authority is hereby abolished.
- (k) On July 1, 2011, the federal Byrne justice assistance grant ARRA federal fund Larned juvenile correctional facility of the juvenile justice authority is hereby abolished.

Sec. 131.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund
for the fiscal year ending June 30, 2012, the following:
Operating expenditures\$4,556,958
Provided, That any unencumbered balance in the operating expenditures account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:
Provided, however, That expenditures from this account for official hospitality shall not
exceed \$1,250.
Disaster relief
Provided, That any unencumbered balance in the disaster relief account in excess of

\$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Incident management team
Civil air patrol – operating expenditures
Kansas military emergency relief
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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: Conversion of materials and equipment fund – military division
State emergency fund allocation – several disasters summer 04. No limit State emergency fund. No limit State emergency fund weather disasters 5/4/2007. No limit State emergency fund weather disasters 12/06, 7/07. No limit National guard mutual assistance expense und compact fund. No limit Emergency management radef instrument maintenance federal fund. No limit
State disaster coordination federal fund

National guard military operations/maintenance federal fund	No limit
Intra-agency hazardous mitigation trn/pl federal fund	
Econ adjustment/military installation federal fund	
Public safety partnership/community policing federal fund	
Disaster assistance to individual/household federal fund	No limit
Interoperability communication equipment	
Homeland security FFY05 int federal fund.	
State homeland security program federal fund.	
Nuclear safety emergency management fee fund.	
<i>Provided,</i> That, notwithstanding the provisions of any other statute, the ad-	
may make transfers of moneys from the nuclear safety emergency manage	
to other state agencies for fiscal year 2012 pursuant to agreements whi	
authorized to be entered into by the adjutant general with other state agence	
appropriate emergency management plans to administer the Kansas i	
emergency management act.	ideredi sarety
Military fees fund – federal	No limit
Provided, That all moneys received by the adjutant general from the federal	
for reimbursement for expenditures made under agreements with	
government shall be deposited in the state treasury in accordance with the	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the mili	
- federal.	itary rees rana
redeful.	
Armories and units general fees fund	No limit
State emergency fund allocation – several disasters fund	No limit
Radioactive materials fund.	
Civil air patrol – grants and contributions – federal fund	
Emergency management performance grant – federal fund	No limit
NG – federal forfeiture fund	No limit
Inaugural expense fund	No limit
Kansas military emergency relief fund.	
Provided, That expenditures may be made from the Kansas military em	
fund for grants and interest-free loans, which are hereby authorized to b	e entered into
by the adjutant general with repayment provisions and other terms a	
including eligibility as may be prescribed by the adjutant general therefo	r. to members
and families of the Kansas army and air national guard and members and t	
reserve forces of the United States of America who are Kansas residen	
period preceding, during and after mobilization to provide assistance to e	
members experiencing financial emergencies: Provided further, That su	
may include, but shall not be limited to, medical, funeral, emergency	v travel, rent,
utilities, child care, food expenses and other unanticipated emergencies:	
further, That any moneys received by the adjutant general in repayment of	
interest-free loans made from the Kansas military emergency relief	
deposited in the state treasury in accordance with the provisions of K.S.A.	
amendments thereto, and shall be credited to the Kansas military emergence	
, ,	-
National guard life insurance premium reimbursement fund	No limit

Emergency management assistance compact federal fund Public safety interoperable communications grant program	No limit
federal fund	No limit
Military construction national guard federal fund	No limit
National guard civilian youth opportunities federal fund	No limit
Hazard mitigation grant federal fund	No limit
Citizen corps federal fund	No limit
Law enforcement terrorism prevention program federal fund	No limit
National guard museum assistance fund	No limit
Provided, That all expenditures from the national guard museum as	ssistance fund shall
be made for an expansion of the 35th infantry division museum ar facility.	

Provided. That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*. That the adjutant general is hereby authorized to fix. charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, forprofit organizations and not-for-profit organizations: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: And provided further, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to expenditures for other positions within the adjutant general's department in the unclassified service as prescribed by law: Provided, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: Provided further, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature.

Sec. 132.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2012 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: Provided, however, That expenditures from the hazardous materials emergency fund during fiscal year 2012 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session.

Fire safety standard and firefighter protection act enforcement fund	limit
Cigarette fire safety standard and firefighter protection act fund	limit
Non-fuel flammable or combustible liquid aboveground storage tank system fund	limit

(b) On July 1, 2011, and January 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$188,596 from the fire marshal fee fund to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director

of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$50.000.

- (d) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.
- (e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund and any other resources available to the fire marshal fee fund during the fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are insufficient to meet in full the estimated expenditures for fiscal year 2012 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2012: Provided, That the aggregate amount of such transfers during fiscal year 2012 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection is transmitted to the director of accounts and reports during fiscal year 2012, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 133.

KANSAS HIGHWAY PATROL

KANSAS HIGHWAY PAI KOL
(a) There is appropriated for the above agency from the state general fund
for the fiscal year ending June 30, 2012, the following:
Operating expenditures\$30,292,241
Provided, That any unencumbered balance in the operating expenditures account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:
Provided, however, That expenditures from the operating expenditures account for
official hospitality shall not exceed \$3,000.
(b) There is appropriated for the above agency from the following special
revenue fund or funds for the fiscal year ending June 30, 2012, 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:
General fees fund
Provided, That all moneys received from the sale of used equipment, recovery of and
reimbursements for expenditures and any other source of revenue shall be deposited in
the state treasury in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto, and shall be credited to the general fees fund, except as otherwise
provided by law.
Homeland security 2006 – federal fund
Homeland security 2007 – federal fund
Homeland security 2008 – federal fund
Homeland security 2009 – federal fund
Homeland security 2010 – federal fund
Homeland security 2011 – federal fund
Homeland security 2012 – federal fund
For patrol of Kansas turnpike fund
Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund
for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments
thereto.
Highway patrol motor vehicle fund
Highway patrol – federal fund
Department of justice – federal recovery act – Edward J. Byrne
memorial justice assistance grant program – federal fund
memoriai justice assistance grant program – federai fund
Department of justice, office of justice programs and bureau
of justice assistance – recovery act rural law enforcement
grant program – federal fund
grant program redetal fund
Kansas highway patrol state forfeiture fund
Homeland sec 2010 fdf – eoc – federal fund
Byrne memorial assistance grant federal fund – auto theft
prevention
provention

Disaster grants – public assistance – federal fund	No limit
Edward Byrne memorial assistance grant – state and local law enforcement – federal fund	No limit
Bulletproof vest partner – federal fund	No limit
Performance registration information system management – federal fund	No limit
Commercial vehicle information system network – federal fund	No limit
Highway planning and construction – federal fund	No limit
Public safety interoperability grant – federal fund	No limit
Citizen corps – federal fund	
Emergency management performance grants – federal fund	No limit
Safety data improvement project – federal fund	No limit
Interoperablity communication equipment – federal fund	No limit
Edward Byrne memorial assistance grant – federal fund –	
federal American recovery and reinvestment act	No limit
Cops grant – federal fund	No limit
KHP federal forfeiture – federal fund	No limit
Law enforcement terrorism prevention – federal fund.	No limit
High intensity drug trafficking areas – federal fund	
State domestic preparedness equipment sprt – federal fund	
Metro med response system – federal fund	No limit
Homeland security 05 buffer zone protection – federal fund	No Illilit
Homeland security program – federal fund	No Illilit
Buffer zone protection program – federal fund	No IIIIII
Rural law enforcement assistance grant – federal fund –	NO IIIIII
federal American recovery and reinvestment act	No limit
lederal American recovery and reinvestment act	No iimit
Edward Byrne memorial justice assistance grant – federal fund	No limit
Emergency ops cntr – federal fund	
State and community highway safety – federal fund	No limit
Gifts and donations fund	No limit
<i>Provided,</i> That expenditures from the gifts and donations fund for official shall not exceed \$1,000.	l hospitality
Federal forfeiture fund	No limit
Motor carrier safety assistance program state fund	No limit
Provided, That expenditures shall be made from the motor carrier safet	y assistance
program state fund for necessary moving expenses in accordance with K.S. and amendments thereto.	A. 75-3225,
National motor carrier safety assistance program – federal fund	arrier safety
K.S.A. 75-3225, and amendments thereto.	raanee with

COPS grant – federal fund	nπ
Aircraft fund – on budget	nit
Highway safety fund	nit
Capitol area security fund	nit
Vehicle identification number fee fund	nit
Motor vehicle fuel and storeroom sales fund	
Provided, That expenditures may be made from the motor vehicle fuel and storeroo	
sales fund to acquire and sell commodities and to provide services to local government	
and other state agencies: Provided further, That the superintendent of the Kans	
highway patrol is hereby authorized to fix, charge and collect fees for such commodition	
and services: And provided further, That such fees shall be fixed in order to recover a	
or part of the expenses incurred in acquiring or providing and selling such commoditi	
and services: And provided further, That all fees received for such commodities an	
services shall be deposited in the state treasury in accordance with the provisions	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehic	:le
fuel and storeroom sales fund.	
V	<i>(</i> 7
Kansas highway patrol operations fund	
fund for the purchase of civilian clothing for members of the Kansas highway patro	
assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: <i>Provide</i>	
further, That the superintendent shall make expenditures from the Kansas highway	
patrol operations fund for necessary moving expenses in accordance with K.S.A. 7	
3225, and amendments thereto.	<i>J</i> -
5225, and amendments dicreto.	
Highway patrol training center fund No lin	nit
Highway patrol training center fund	
Provided, That expenditures may be made from the highway patrol training center fur	nd
<i>Provided</i> , That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme	nd ent
<i>Provided,</i> That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: <i>Provided further,</i> That the superintendent	nd ent of
<i>Provided,</i> That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: <i>Provided further,</i> That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for	nd ent of or
<i>Provided,</i> That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: <i>Provided further,</i> That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other states.	nd ent of for ite
Provided, That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: Provided further, That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provided	nd ent of for ite
Provided, That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: Provided further, That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provided further. That such fees shall be fixed in order to recover all or part of the expens	of or ate ed
Provided, That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: Provided further, That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provided	of for the ed ses or
Provided, That expenditures may be made from the highway patrol training center fur for use of the highway patrol training center by other state agencies, local governme agencies and not-for-profit organizations: Provided further, That the superintendent the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: And provide further. That such fees shall be fixed in order to recover all or part of the expensing incurred in providing for the use of the highway patrol training center by other state	of for ate ed ses or he
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recover all or part of the operating expenses incurred in providing such services: *And provided further*; That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

- (c) On or before the tenth of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.
- (d) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$266,750 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.
- (e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$4,923,402.75 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.
- (f) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$257,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.
- (g) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.
- (h) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund on budget of the Kansas highway patrol.
- (i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports

shall transfer \$8,190,099.75 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for the support and maintenance of the Kansas highway patrol.

- (j) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,638,020 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.
- (k) On July 1, 2012, the motor carrier safety assistance program federal fund of the highway patrol is hereby redesignated as the national motor carrier safety assistance program federal fund of the highway patrol.

Sec. 134.

ATTORNEY GENERAL - KANSAS BUREAU OF INVESTIGATION

Provided. That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: Provided, however, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (c) of K.S.A. 28-176, and amendments thereto: Provided further, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities; And provided further. That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: And provided further, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

operations: Provided, however, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities: (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: Provided further, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further. That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: And provided further. That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

No limit
No limit

Ed Byrne memorial justice assistance federal fund	No limit
Ed Byrne state/local law enforcement federal fund	No limit
Violence against women – ARRA federal fund	No limit
AWA implementation grant program federal fund	
Ed Byrne memorial JAG – ARRA federal fund	No limit
Convicted offender/arrestee DNA backlog reduction federal fund	No limit
KBI-FBI reimbursement federal fund.	No limit
Project safe neighborhoods fund	No limit
Social security administration reimbursement – federal fund	No limit
Sec. 135	

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Provided. That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos. replacing lost educational materials and mailing labels of those licensed by the board: Provided further. That such fees may be fixed in order to recover all or part of such costs: And provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: And provided further, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: And provided further, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

senate committee on ways and means on or before February 1, 2012.

- (b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2012 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers; Provided further. That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructorcoordinators and training officers: And provided further, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a postsecondary education degree.
- (c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012, as authorized by this or any other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in the EMS region are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to such EMS region for the operation of the education and training of emergency medical attendants in such EMS region.
- (d) On July 1, 2011, and January 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating fund to the educational incentive grant payment fund of the emergency medical services board.
- (e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2012 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for

fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2012, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2012.

Sec. 136.

Sec. 130.
KANSAS SENTENCING COMMISSION
(a) There is appropriated for the above agency from the state general fund
for the fiscal year ending June 30, 2012, the following:
Operating expenditures\$676,810
Provided, That any unencumbered balance in the operating expenditures account in
excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Substance abuse treatment programs\$6,238,396
Provided, That any unencumbered balance in the substance abuse treatment programs
account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year
2012.
(b) There is appropriated for the above agency from the following special

Sec. 137.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Kansas commission on peace officers' standards and

and training fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

KANSAS DEPARTMENT OF AGRICULTURE

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Operating expenditures......\$10,203,177 Provided. That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the operating expenditures account for fiscal year 2012: Provided further, That expenditures may be made from this account for expenses incurred in holding the annual meeting: And provided further. That expenditures from this account for official hospitality shall not exceed \$5,000: And provided further. That the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting: And provided further, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto: And provided further, That expenditures may be made from this account or any special revenue fund of the above agency to allow 100% grantfunded projects relating to stream bank stabilization, and to allow lakes to be under the multi-purpose small lakes program if the lake is used for two of the following purposes: flood control, public water supply storage or recreation, notwithstanding the provisions of any other legislative enactment: And provided further, That, as used in this subsection (a), "special revenue fund" means the agency motor pool fund, land reclamation fee fund, watershed protect approach/WTR RSRCE MGT fund, conversion of materials and equipment fund, buffer participation incentive fund, and NRCS contribution agreement 2002 farm bill — federal fund.
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, 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:

Dairy fee fund	No limit
Meat and poultry inspection fee fund	No limit
Wheat quality survey fund	No limit
Plant protection fee fund	No limit
Laboratory equipment fund	No limit
Water structures – state highway fund	\$115,118
Soil amendment fee fund	No limit
Agricultural liming materials fee fund	No limit
Weights and measures fee fund.	No limit
Water appropriation certification fund	No limit
Water resources cost fund	No limit
Provided, That all moneys received by the secretary of agriculture	from any
governmental or nongovernmental source to implement the provisions of	the Kansas

water banking act, K.S.A. 2010 Supp. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited

in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

Agriculture seed fee fund	.No limit
Chemigation fee fund.	
Agriculture statistics fund.	.No limit
Petroleum inspection fee fund	.No limit
Water transfer hearing fund	.No limit
Grain commodity commission services fund	.No limit
Kansas agricultural remediation board fund	.No limit
Kansas agricultural remediation fund.	.No limit
Warehouse fee fund	.No limit
U.S. geological survey cooperative gauge agreement grants fund	.No limit
Provided, That the secretary of agriculture is hereby authorized to ente	r into a
cooperative gauge agreement with the United States geological survey:	Provided
further, That all moneys collected for the construction or operation of river wat	er intake
gauges shall be deposited in the state treasury in accordance with the provisions of	
K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. g	eological
survey cooperative gauge agreement grants fund: And provided furth	er; That
expenditures may be made from this fund to pay the costs incurred in the con	struction
or operation of river water intake gauges.	
•	
Computer services fund	
Agricultural chemical fee fund	.No limit
Feeding stuffs fee fund.	.No limit
- 111 0 0 1	

Computer services fund
Agricultural chemical fee fund
Feeding stuffs fee fund
Fertilizer fee fund
Plant pest emergency response fund
Pesticide use fee fund
Geographic information system fee fund
Egg fee fund
Water structures fund
Meat and poultry inspection fund – federal
EPA pesticide performance partnership grant – federal fund
FEMA dam safety – federal fund
FEMA – hazard mitigation map federal fund
FEMA stream mapping – federal fund
Pest detection and survey – federal fund
USDA NASS postage fund
FDA tissue residue – federal fund
Conversion of materials and equipment fund
Trademark fund
Market development fund
Provided, That expenditures may be made from the market development fund for loans
pursuant to loan agreements which are hereby authorized to be entered into by the
secretary of agriculture in accordance with repayment provisions and other terms and
conditions as may be prescribed by the secretary: Provided further, That all moneys
received by the department of agriculture for repayment of loans made under the

agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.

Reimbursement and recovery fund	limit limit limit limit limit limit limit limit limit
Livestock market brand inspection fee fund	limit limit ality the or an d by
Animal disease control fund	
Meat poultry egg production inspection – federal fund	limit limit limit limit limit ating onal ture: and ed to sale reby

publisher for the sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further*, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

Homeland security grant – federal fund	No limit
USDA national agricultural statistics services – federal fund	
FDA food protection conference grant – federal fund	No limit
Retail food good manufacturing practice management –	
federal fund	No limit
Medicated feed and FDA BSE inspection – federal fund	
National floodplain insurance assistance (CAP) – federal fund	No limit
FEMA map modernization management support – federal fund	No limit
Other federal grants – USDA cooperative – federal fund	No limit
Environmental quality incentive program – federal fund	No limit
Disease control fund – federal	No limit
Targeted watershed grants – federal fund	
National dam safety program – federal fund	
Cooperating technical partners – federal fund	
Plant and animal disease & pest control – federal fund	No limit
Country of origin labeling (COOL) – federal fund	
USDA Kansas forestry service – federal fund	No limit
USDA pesticide recordkeeping – federal fund	No limit
National registry report audit – federal fund	No limit
Civil litigation fee fund	
Provided, That the above agency is authorized to make expenditures	from the civil
litigation fee fund for costs or other expenses associated with in	
litigation regarding fraudulent meat sales: Provided further, That a	portion of the
moneys received by the state from fines and other moneys collected as	s a result of the
settlement of fraudulent meat sales cases, as determined by the secretar	y of agriculture
and the attorney general, shall be deposited in the state treasury in acco	rdance with the
provisions of K.S.A. 75-4215, and amendments thereto, and shall be	credited to the
civil litigation fee fund by the attorney general.	

machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the food safety fee fund: *And provided further*; That the secretary of agriculture is hereby authorized to make expenditures from the food safety fee fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Food service inspection reimbursement fund. Provided. That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: Provided further, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the food inspection fee fund: And provided further, That, on the first day of each month during fiscal year 2012, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Provided, That expenditures may be made from the lodging fee fund for operating
expenditures for the lodging inspection program and other activities for the regulation
of lodging establishments under the food service and lodging act.

Watershed protect approach/WTR RSRCE MGT fund	t
NRCS contribution agreement 2002 farm bill – federal fund	Ĺ
Licensing online transition fund\$0)
Provided, That, notwithstanding the provisions of any statute to the contrary, during	;
fiscal year 2012 the Kansas department of agriculture may prorate license fees and alter	
license due dates as needed in order to transition to online license applications and	l
renewals for the fiscal year ending June 30, 2012.	

Feral swine eradication fund	\$175,000
Livestock market reporting fund	\$20,000
Compliance education fee fund.	

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: Provided further, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: And provided further, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Provided, That any unencumbered balance in the water resources cost share account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the water resources cost share account of the Kansas department of agriculture for fiscal year 2012: Provided further, That the initial allocation for grants to conservation districts for fiscal year 2012 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: And provided further, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures of the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0 percent of the budget amount for fiscal year 2012 for the water resources cost share account.

hereby reappropriated to the Kansas water quality buffer initiatives account of the Kansas department of agriculture for fiscal year 2012: *Provided further*; That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*; That such expenditures may be made from this account from the approved budget amount for fiscal year 2012 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program......\$164,828 *Provided,* That any unencumbered balance in the riparian and wetland program account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the riparian and wetland program account of the Kansas department of agriculture for fiscal year 2012.

Water transition assistance program/conservation reserve enhancement program......\$824,835

Provided, That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012; Provided further. That, in addition, fiscal year 2012 expenditures, from the water transition assistance program/conservation reserve enhancement program account, are authorized to be made by the division of conservation of the Kansas department of agriculture for the conservation reserve enhancement program: And provided further, That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: And provided further, That all expenditures under the water transition assistance program/conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria: (1) The total number of acres enrolled in Kansas in CREP for the five fiscal years 2008, 2009. 2010, 2011, and 2012 shall not exceed 40,000 acres; (2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area; (3) lands enrolled in the conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP; (4) no more than 25% of the acreage in CREP may be in any one county; (5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and (6) only water rights in good standing are eligible for inclusion under CREP: And provided further, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right

has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years; And provided further, That the Kansas department of agriculture shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2012 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (ii) the acreage enrolled in CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date. (iii) the dollar amounts received and expended for CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008, and fiscal year 2009, and fiscal year 2010, and fiscal year 2011, and fiscal year 2012, to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the Kansas department of agriculture shall specify.

Basin management	
Water use\$83,697	

Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(d) During the fiscal year ending June 30, 2012, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and

natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

- (e) On July 1, 2011, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$109,651 from the state highway fund of the department of transportation to the water structures state highway fund of the Kansas department of agriculture.
- (f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following: Agriculture marketing program.......\$395,573 Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.
- (g) On July 1, 2011, the director of accounts and reports shall transfer \$75,000 from the state water plan fund to the grain warehouse inspection fund of the Kansas department of agriculture.
- (h) On July 1, 2011, the director of accounts and reports shall transfer \$175,000 from the state water plan fund to the feral swine eradication fund of the Kansas department of agriculture.
- (i) On July 1, 2011, the director of accounts and reports shall transfer \$20,000 from the state water plan fund to the livestock market reporting fund of the Kansas department of agriculture.

Sec. 139.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

- (c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$159,207 from the state economic development initiatives fund to the state fair capital improvements fund of the state fair board.

Sec. 140.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: Water resources operating expenditures
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Local water project match fund
Water supply storage assurance fund
Water supply storage acquisition fund
Indirect cost fund

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Arkansas river water conservation projects fund
specified, the following: Assessment and evaluation
GIS data base development
MOU-storage operations and maintenance
Technical assistance to water users
Water resource education
Wichita aquifer storage and recovery project
Weather modification program\$97,935 <i>Provided,</i> That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Weather stations

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Neosho river basin issues.

- (d) During the fiscal year ending June 30, 2012, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.
- (e) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.
- (f) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money

investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

- (g) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2012, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.
- (h) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2012, to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

Sec. 141.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures \$3,384,949 Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however. That expenditures from this account for official hospitality shall not exceed \$1,000: Provided further, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to include a provision on the calendar year 2012 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: And provided further. That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund: And provided further. That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to negotiate and enter into contracts

for promotional advertising services for the performance of the powers, duties and functions of the department of wildlife, parks and tourism under executive reorganization order no. 36: *And provided further*, That all such advertising contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2012 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: Provided, however, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: Provided further, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Provided, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2012 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: Provided, however, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: Provided further, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reimbursement for annual licenses issued to Kansas disabled veterans.......\$40,000

Provided. That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2012 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: Provided, however. That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions. have a disability certified by the Kansas commission on veterans affairs as being service connected and such service connected disability is equal to or greater than 30%: Provided further. That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: And provided further. That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

and wildlife service for the utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2012: *And provided further*; That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*; That expenditures from this fund for official hospitality shall not exceed \$1,000.

5	
Department access roads fund\$1,081,10	
Wildlife and parks nonrestricted fund	
Prairie spirit rails-to-trails fee fund	
Nongame wildlife improvement fund	nit
Nongame wildlife improvement fund – federalNo lim	
Wildlife conservation fund	iit
Federally licensed wildlife areas fund	nit
State agricultural production fund	nit
Land and water conservation fund – state	
Land and water conservation fund – local	nit
Development and promotions fund	nit
Department of wildlife and parks private gifts and donations fundNo lim	
Fish and wildlife restitution fund	
Parks restitution fund	
Nonfederal grants fund	nit
Disaster grants – public assistance fund	nit
Soil/water conservation fund	
Navigation projects fund	nit
Recreation resource management fund	
Cooperative endangered species conservation fund	
Landowner incentive program fund	nit
Bulletproof vest partnership fund	
Recreational trails program fund	
Highway planning/construction fund	
Plant/animal disease and pest control fund	
Americorps – ARRA fund	
Cooperative forestry assistance fund	
North America wetland conservation fund	
Wildlife services fund.	
Fish/wildlife management assistance fund	

Fish/wildlife core act fund	No limit
Watershed protection/flood prevention fund.	
Suspense fund	
Employee maintenance deduction clearing fund	
Cabin revenue fund	No limit
Boating fund – federal	
Wildlife fund – federal	No limit
Wildlife conservation fund – federal	No limit
Feed the hungry fund	
State wildlife grants fund	
Boating safety financial assistance fund.	
Wildlife restoration fund.	
Sportfish restoration fund.	
Outdoor recreation acquisition, development and planning fund	
Publication and other sales fund	No limit
Free licenses and permits fund	
(c) There is appropriated for the above agency from the	
development initiatives fund for the fiscal year ending June 30, 2012, the	
Travel and tourism operating expenditures.	
Sec. 142.	
DEPARTMENT OF TRANSPORTATION	
(a) There is appropriated for the above agency from the fo	ollowing special
revenue fund or funds for the fiscal year ending June 30, 2012, all 1	moneys now or
hereafter lawfully credited to and available in such fund or fund	
	us, except mat
expenditures shall not exceed the following:	•
expenditures shall not exceed the following: State highway fund	No limit
expenditures shall not exceed the following: State highway fund Provided, That no expenditures may be made from the state highway fur	No limit
expenditures shall not exceed the following: State highway fund	No limit
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expenditures shall not exceed the following: State highway fund	No limit nd other than forNo limit
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expenditures shall not exceed the following: State highway fund	

Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: Provided further, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: And provided further, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: And provided further, That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund	No limit
Public use general aviation airport development fund	No limit
Highway bond proceeds fund	
Communication system revolving fund	No limit
Traffic records enhancement fund	No limit
Kansas intermodal transportation revolving fund	No limit
(b) Expanditures may be made by the above agency for the	

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2012, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2012 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations.....\$287,917,013

Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Substantial maintenance	nit
Claims	nit
Payments for city connecting links\$3,346,43	34
Federal local aid programsNo lim	nit
Bond services fees	nit
Construction, remodeling and special maintenance projects for buildings	\$0
Provided, That expenditures may be made from the construction, remodeling ar	nd
special maintenance projects for buildings account of the state highway fund of	of
amounts in unexpended balances as of June 30, 2011, in capital improvement proje	ct
accounts of projects approved for prior fiscal years: Provided further, That expenditure	es
from this account of amounts in such unexpended balances shall be in addition to an	ıy

expenditure limitation imposed on this account for fiscal year 2012.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair	\$3,288,642
Buildings – reroofing.	\$240,614
Buildings – other construction, renovation and repair	\$2,554,220
Buildings – equipment storage sheds.	

- (2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the state highway fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2012 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2011, subject to the provisions of section (d): *Provided further*, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.
- (d) During the fiscal year ending June 30, 2012, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.
- (e) On April 1, 2012, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.
- (f) During the fiscal year ending June 30, 2012, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

- (g) Any payment for services during the fiscal year ending June 30, 2012, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.
- (h) For the fiscal year ending June 30, 2012, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments thereto, additional documents that present the revenues, transfers, and expenditures that are considered to be in support of T-WORKS authorized by K.S.A. 68-2314b et seq., and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.
- (i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$51,250,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2012: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.
- Sec. 143. *Position limitations*. (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2012, made in this or other appropriation act of the 2011 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General
Secretary of State
State Treasurer 46.50
Insurance Department
Provided, That any attorney positions established in the insurance department for the
purpose of defense of the workers compensation fund shall be in addition to any
limitation imposed on the full-time and regular part-time equivalent number of
positions, excluding seasonal and temporary positions, paid from appropriations made
for fiscal year 2012 for the department of insurance.

Department of Commerce	251.80
Health Care Stabilization Fund Board of Governors	18.00
Judicial Council	4.00
Kansas Human Rights Commission.	25.00
State Corporation Commission.	212.00
Citizens' Utility Ratepayer Board	6.00
Department of Administration	

Office of Administrative Hearings	
State Court of Tax Appeals	20.00
Department of Revenue	
Kansas Lottery	99.00
Kansas Racing and Gaming Commission – state racing operations	
and expanded lottery act regulation division	75.53
Kansas Racing and Gaming Commission – state gaming agency	24.00
Department of Labor.	499.00
Kansas Commission on Veterans Affairs	340.00
Department of Health and Environment – Division of Health	
Department of Health and Environment – Division of	
Environment	421.03
Environment	121.03
Department on Aging	164 00
Department of Social and Rehabilitation Services.	3 110 13
Kansas Neurological Institute	
Larned State Hospital	
Osawatomie State Hospital	
Parsons State Hospital and Training Center	455.20
Rainbow Mental Health Facility	
Kansas Guardianship Program	10.00
State Library	
Kansas Arts Commission	
Kansas State School for the Blind.	82.50
Kansas State School for the Deaf	
State Historical Society	
State Board of Regents.	
Department of Corrections	
Juvenile Justice Authority	
Adjutant General	
State Fire Marshal.	
Attorney General – Kansas Bureau of Investigation	209.00
Emergency Medical Services Board	14.00
Kansas Sentencing Commission	8.00
Kansas Commission on Peace Officers' Standards and Training	
Kansas Department of Agriculture	353.49
State Fair Board.	25.00
Kansas Water Office	
Kansas Department of Wildlife, Parks and Tourism	
Department of Transportation.	2.916.50
(b) During the fiscal year ending June 30, 2012, the secretar	
rehabilitation services may increase the position limitation for the depart	
and rehabilitation services or for any institution or facility under the general	
and management of the secretary of social and rehabilitation service	
and management of the secretary of social and rendomination service	o by making a

corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and

management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

- (c) During the fiscal year ending June 30, 2012, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general Kansas bureau of investigation for fiscal year 2012 made in this or other appropriation act of the 2011 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2012 for the attorney general Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.
- (a) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2012, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2012 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2012 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$354.15 for the twoweek period which coincides with the biweekly payroll period which includes April 1. 2012, which is chargeable to fiscal year 2012 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2012, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*. That all expenditures under this subsection (a) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (a) and which are chargeable to fiscal year 2012.
- (b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2011 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide each employee, who is eligible for a longevity bonus payment

pursuant to K.S.A. 75-5541, and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2012 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50: Provided, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2012 to such employee: Provided further, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (b), "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government and "employee" means any officer or employee of a state agency.

Sec. 145.

DEPARTMENT OF ADMINISTRATION
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects
specified, the following:
Rehabilitation and repair for state facilities\$153,737
Provided, That any unencumbered balance in the rehabilitation and repair for state
facilities account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Judicial center rehabilitation and repair
Provided, That any unencumbered balance in the judicial center rehabilitation and
repair account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
•
Replace Docking chillers \$483,885 National bio and agro-defense facility – debt service \$2,780,807
Replace Docking chillers

Master lease program fundNo	o limit
State buildings depreciation fundNo	o limit
Executive mansion gifts fundNo	o limit
Topeka state hospital cemetery memorial gift fundNo	o limit
Landon state office building repair expense fundNo	o limit
MacVicar avenue assessment expense fundNo	o limit
Capitol area plaza authority planning fundNo	o limit
Provided, That, the secretary of administration may accept gifts, donations and gra	ants of
money, including payments from local units of city and county government, for	or the
development of a new master plan for the capitol plaza and the state zoning	g area
described in K.S.A. 75-3619, and amendments thereto: Provided further, That all	1 such
gifts, donations and grants shall be deposited in the state treasury in accordance wi	ith the
provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol	plaza
area authority planning fund.	

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the building and ground fund for fiscal year 2012 from any unencumbered balance as of June 30, 2011, in each of the following capital improvement accounts of the building and ground fund: Parking improvements and repair: *Provided*, That the expenditures for fiscal year 2011 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2012 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2012.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.

- (f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.
- (g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(h) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (j) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance

of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$24,300,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further,* That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(k) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of ad-ministration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*. That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided. however. That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$10,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further. That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: And provided further. That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 146.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser – federal fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser – federal fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair....\$80,000

Sec. 147.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Sec. 148.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2012, expenditures may be made by the above agency from the other state fees fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair......\$200,000 *Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2012.

Sec. 149.

DEPARTMENT OF LABOR

- (b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2012 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*. That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. and acting after receiving the recommendations of the joint committee on state building construction: Provided, however, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: Provided further. That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: And provided further. That expenditures from such fund shall not exceed the limitation established for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature except upon approval of the state finance council.
- (c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for fiscal year 2012 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund for

fiscal year 2012 for such capital improvement purposes shall not exceed \$184,377: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 150.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Sec. 151.

KANSAS STATE SCHOOL FOR THE BLIND

- (a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:
- Facilities conservation improvement debt service.....\$30,509
- (b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Sec. 152.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Sec. 153.

STATE HISTORICAL SOCIETY

- - (b) In addition to the other purposes for which expenditures may be made

by the above agency from the national historic preservation act fund – local for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the national historic preservation act fund – local for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(c) In addition to other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (d) In addition to the other purposes for which expenditures may be made by the above agency from the fund for fiscal year 2012, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historic properties fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historic properties fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historic properties fee fund for fiscal year 2012.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012, expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state historical facilities fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state historical facilities fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state historical facilities fund for fiscal year 2012.
 - (f) In addition to the other purposes for which expenditures may be made by

the above agency from the save America's treasures fund for fiscal year 2012, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the save America's treasures fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the save America's treasures fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the save America's treasures fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historical society capital improvement fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historical society capital improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historical society capital improvement fund for fiscal year 2012

Sec. 154.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund	No limit
Twin towers project revenue fund	No limit
Twin towers bond and interest sinking fund	No limit
Twin towers maintenance and equipment reserve fund	
Deferred maintenance support fund.	
Infrastructure maintenance fund	

(b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 155.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation – bond and interest sinking fund	No limit
Lewis field renovation – revenue fund	No limit
Memorial union renovation debt service fund	No limit
Deferred maintenance support fund	No limit
Infrastructure maintenance fund.	
Soccer facility fund	No limit
Wind power generation facility fund	
Indoor practice facility	No limit

- (b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
- (c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012 to raze wing "A" of Wiest hall.

Sec. 156.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Engineering complex phase II private gift fund	No limit
Ackert hall addition – gifts and grants fund	No limit
Student life center – Salina construction debt service fund	No limit
Deferred maintenance support fund	No limit
Infrastructure maintenance fund	No limit
Child care fund.	No limit

(b) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the Jardine apartments: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate special revenue fund or funds of Kansas state university.

- (c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
- (d) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 to raze building no. 457 (elevator and feed mill), building no. 437 (herdsman house), building no. 10002 (art kiln), building no. 145 (vet surgical instruction), building no. 200 (vet research lab greyhound kennels), building no. 224 (food animal barn and shed) and portions of building no. 025 (seaton court).
- (e) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 as

authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a grain science center feed mill: Provided, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$5,400,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from any special revenue fund for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to remove the old chemical waste landfill: *Provided*. That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further. That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided

further; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, moneys deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

- In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature. expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Snyder Family stadium: Provided. That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however.* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$50,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: And provided further. That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seg., and amendments thereto.
- (h) For fiscal year ending June 30, 2011, Kansas state university is authorized to enter into a lease purchase agreement with the Kansas state university foundation for a new grain science center feed mill.

Sec. 157.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2012, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2012 for the following capital improvement project or projects:

 Equine education and research center.
 No limit

 Grain science center.
 No limit

 Southeast research – extension center building.
 No limit

Sec. 158.

PITTSBURG STATE UNIVERSITY

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

 Armory/classroom/recreation center debt service......\$322,199
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- (c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
- (d) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for parking improvements: Provided. That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however. That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$4,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further. That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further. That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate

special revenue fund or funds.

(e) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for student housing improvements and construction: *Provided*. That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further. That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$22,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 159.

UNIVERSITY OF KANSAS
(a) There is appropriated for the above agency from the state general fund
for the fiscal year ending June 30, 2012, for the capital improvement project or projects
specified as follows:
School of pharmacy debt service\$1,627,949
School of pharmacy debt service 2009\$2,451,462
(b) There is appropriated for the above agency from the following special
revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or
hereafter lawfully credited to and available in such fund or funds, except that
expenditures shall not exceed the following:
Student union renovation revenue fund
Student health facility maintenance, repair, and equipment
fee fund
Regents center revenue fund – KDFA D bonds, 1990
Parking facilities surplus fund – KDFA G bonds, 1993
Provided, That the university of Kansas may make expenditures from the parking
facilities surplus fund – KDFA G bonds, 1993 for capital improvements to parking lots
in addition to the expenditure of other moneys appropriated therefor: Provided further,

That the university of Kansas may transfer moneys during fiscal year 2012 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund	No limit
Infrastructure maintenance fund	No limit
Athletic facilities enhancements special revenue fund KDFA	
A university proceeds	No limit
Child care facility operations account fund.	No limit
Child care facility student fee account fund	No limit
Student recreation & fitness center revenue fund	No limit
Child care facility addition fund	No limit
Provided, That the university of Kansas may transfer moneys during fis	cal year 2012
from the restricted fees fund or the general fees fund to the child care fa	cility addition
fund for the capital improvement project to construct an addition to t	he child care
facility: Provided further, That upon completion of the construction	project, the
university of Kansas may transfer unused moneys from the child care fac	cility addition
fund to the general fees fund or the restricted fees fund.	J

- (c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
- (d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation of Gertrude Sellards

Pearson hall: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$13,075,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 160.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fund – K.C. campus	No limit
Deferred maintenance support fund	No limit
Infrastructure maintenance fund	No limit
Construct parking facility #4 fund	No limit
Provided, That the university of Kansas medical center may transfer	moneys during
fiscal year 2012 from appropriate accounts of the parking fees fund to	to the construct
parking facility #4 fund for such capital improvement project.	

Lied biomedical research building renovation – gift and grant fund......No limit

- (b) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond revenue fund.
- (c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 161.

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

 Aviation research debt service......\$1,643,614
- (b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
- (c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.
- (d) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature. expenditures shall be made by Wichita state university from moneys appropriated from the state general fund or from the state general fund or funds or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905. and amendments thereto, for a capital improvement project to construct Rhatigan student center: *Provided*. That such capital improvement project is hereby approved for Wichita state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further. That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$33,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds; And provided further. That all moneys received from the issuance of any such bonds shall be

deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 162.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following: PEI infrastructure – debt service......\$6,063,625 Provided, That, during the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2012 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2012 after the principal payment has been received for fiscal year 2012 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2012 in the PEI infrastructure - debt service account for the principal payment from the PEI infrastructure – debt service account for any other purpose for which moneys are appropriated for fiscal year 2012 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure - debt service account of the state general fund for fiscal year 2012 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2012 from such account or accounts and which is approved by the state board of regents: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure – debt service account of the state general fund for fiscal year 2012; And provided further. That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: Postsecondary educational infrastructure finance KDFA

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified as follows:

Debt service – revenue bonds issued for major remodeling

and new construction projects at state educational

institutions.......\$13,745,075

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: Provided, however, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: Provided further, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account: And provided further, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

Sec. 163.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues......\$1,689,697

Capital improvements – rehabilitation and repair of

correctional institutions......\$3,071,303

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an

account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2012 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects bond issue......\$131,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

(d) In addition to other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 to raze the: (1) Training building no. 4005, at the Hutchinson correctional facility; (2) vending machine building no. 541, at the Hutchinson correctional facility; and (3) maintenance building no. 8, at the Lansing correctional facility.

Sec. 164.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile

correctional facilities \$373,859

Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements – rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the

commissioner of juvenile justice to an account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to be expended during fiscal year 2012 for capital improvement projects approved by the commissioner of juvenile justice: *Provided further,* That the commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(b) In addition to other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated from the state institutions building fund or from any other special revenue fund or funds for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys appropriated from the state institutions building fund or from any special revenue fund or funds for fiscal year 2012 to raze the pig barn no. 18, at the Kansas juvenile correctional complex.

Sec 165

ATTORNEY GENERAL - KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects......\$100.000

Sec. 166.

KANSAS HIGHWAY PATROL

Provided. That all expenditures from each such capital improvement account shall be in

addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2012.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2012, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$597,200 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.

Sec 167

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

armories.....\$2,752,074

Sec. 168.

STATE FAIR BOARD

- (b) On or before the 10th of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average

daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 169.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(b) There is appropriated for the above agency from the following special

Bridge maintenance fund.

- (c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,755,458 from the state highway fund of the department of transportation to the department access road fund of the Kansas department of wildlife, parks and tourism.
- (d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife, parks and tourism.
- (e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Leavenworth state fishing lake cabins......\$50,000

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2012, expenditures may be made by the above agency from the parks fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in

addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- (h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the boating fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2012.
- (i) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2012, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating safety and financial assistance fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating safety and financial assistance fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating safety and financial assistance fund for fiscal year 2012
- (j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access \$1,204,000 Land acquisition \$150,000 Shooting range development \$100,000

Debt service – Kansas city office	\$38,000
Lovewell reservoir entrainment project.	\$150,000
Hatchery improvements	\$150,000
Provided, That all expenditures from each such capital improvement accou	
addition to any expenditure limitation imposed on the wildlife fee fund for	or fiscal year
2012.	•

- (k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2012.
- (l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2012.
- (m) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation.......\$300,000 Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the cabin revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not

exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further,* That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2012.

- (o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund federal for fiscal year 2012, expenditures may be made by the above agency from the wildlife conservation fund federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund federal for fiscal year 2012.
- (p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development	\$450,000
Land acquisition.	\$150,000
Rehabilitation and repair	\$542,500
Hatchery improvements	\$450,000
Provided, That all expenditures from each such capital improvement acco	
addition to any expenditure limitation imposed on the wildlife restoration	fund for fiscal
year 2012.	

- (q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife restoration fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife restoration fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife restoration fund for fiscal year 2012.
- (r) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal

year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Dam Repair.....\$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012.

- (s) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the sport fish restoration program fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the sport fish restoration program fund for fiscal year 2012.
- (t) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition......\$200,000 Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012.

- (u) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2012.
- (v) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012 from the unencumbered balance as of June 30,

- 2011, in each existing capital improvement account of the nongame wildlife improvement fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*. That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 2012.
- (w) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund federal for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the nongame wildlife improvement fund federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund federal for fiscal year 2012.
- (x) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund local for fiscal year 2012, expenditures may be made by the above agency from the land and water conservation fund local for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the land and water conservation fund local: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund local for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund local for fiscal year 2012.
- (y) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

(z) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the outdoor recreation acquisition, development and planning fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the outdoor recreation acquisition, development and planning fund for fiscal year 2012.

(aa) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program......\$400,000 *Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the recreational trails program fund for fiscal year 2012.

- (bb) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the recreational trails program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the recreational trails program fund for fiscal year 2012.
- (cc) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the federally licensed wildlife areas fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the federally licensed wildlife areas fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the federally licensed wildlife areas fund for fiscal year 2012.

- (dd) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2012.
- (ee) In addition to the other purposes for which expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012, expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the Tuttle Creek state park mitigation project fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the Tuttle Creek state park mitigation project fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the Tuttle Creek state park mitigation project fund for fiscal year 2012.
- (ff) In addition to the other purposes for which expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the highway planning/construction fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the highway planning/construction fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the highway planning/construction fund for fiscal year 2012
- (gg) In addition to the other purposes for which expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state wildlife grants fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on

June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state wildlife grants fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state wildlife grants fund for fiscal year 2012.

- Sec. 170. (a) On or before June 30, 2011, the chief administrative officer of each cabinet agency (1) shall determine the amount of moneys appropriated in each account of the state general fund appropriated for fiscal year 2011 for the cabinet agency and the amount or amounts of moneys appropriated in each account of each special revenue fund appropriated for fiscal year 2011 for the cabinet agency that are not required to be expended or encumbered for the fiscal year ending June 30, 2011, that are not required, in the case of a special revenue fund, to be maintained in such special revenue fund for the ensuing fiscal year or years, and that may be lapsed or transferred to the state general fund under this section, and (2) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2011, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by a cabinet agency pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: Provided further. That, on or before June 30, 2011, the director of the budget shall certify each amount, which is certified by a cabinet agency, that is appropriated from a special revenue fund or that is credited to a special revenue fund, which is appropriated to the cabinet agency, to the director of accounts and reports and, upon receipt of such certification from the director of the budget, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount so certified from the special revenue fund to the state general fund: *Provided*, however. That no federal moneys shall be certified by the director of the budget to the director of accounts and reports and the director of accounts and reports shall not transfer any federal moneys to the state general fund pursuant to this subsection (b): And provided further. That the aggregate of all amounts lapsed from appropriations from the state general fund pursuant to this section, plus all amounts transferred from special revenue funds to the state general fund pursuant to this section, shall be equal to \$5,000,000 or more: And provided further. That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.
- (b) As used in this section, "cabinet agency" means the (1) the department of administration, (2) the department of revenue, (3) the department of commerce, (4) the department of labor, (5) the department of health and environment, (6) the department on aging, (7) the department on social and rehabilitation services, (8) the department of corrections, (9) the juvenile justice authority, (10) the adjutant general, (11) the Kansas highway patrol, (12) the Kansas department of agriculture, (13) the Kansas department of wildlife, parks and tourism, and (14) the department of transportation.
- (c) As used in this section, "special revenue fund" does not include the Kansas educational building fund or the state institutions building fund.
 - Sec. 171. (a) On June 30, 2012, notwithstanding the provisions of K.S.A. 79-

4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,785,830 from the state economic development initiatives fund to the state general fund.

Sec. 172.

STATE FINANCE COUNCIL

- (a) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.
- (b) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.
- Sec. 173. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any profession or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.
- Sec. 174. (a) On and after July 1, 2011, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2012, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.
- (b) (1) On July 1, 2011, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.
- (2) On July 1, 2011, the amount in each account of the state economic development initiatives fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group

insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

- (3) On July 1, 2011, the amount in each account of the state water plan fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.
- (c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, from such special revenue fund, or account thereof.
- (d) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to this section, the director of the budget shall transmit a copy of such certification to the director of legislative research.
- Sec. 175. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to \$5,900,000 which is not exempt, is hereby lapsed in accordance with this subsection: *Provided*, That the following are exempt from and shall not be reduced by such lapsing provision: (1) Any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state agency for the provision of programmatic services, (2) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the legislature or any agency of the legislative branch of state government, (3) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the judicial branch or any agency of the judicial branch of state government, (4) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the department of transportation, (5) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state school aid program, (6) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for human services caseloads for the department of social and rehabilitation services, the division of health care finance of the department of health and environment, the juvenile justice authority or the department on aging, (7) any item of appropriation or reappropriation for debt service for contractual bond obligations, including any transfer from the state general fund to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and (8) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of

K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto: Provided further. That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$5,900,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: And provided further, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: And provided further, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

Sec. 176. On July 1, 2011, K.S.A. 2010 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that (1) for the fiscal year ending June 30, 20102012. notwithstanding the other provisions of this section, on March 1, 20102012, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000\$350,000 or the amount equal to 5% of the total gross receipts during fiscal year 20102012 from state fair activities and non-fair days activities through March 1, 2010; and (2) for the fiscal year ending June 30, 2011, notwithstanding the other provisions of this section, on March 1, 2011, or as soonthereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair eapital improvements fund the amount equal to the greater of \$350,000 or the amount equal to 5% of the total grossreceipts during fiscal year 2011 from state fair activities and non-fair days activities through March 1, 20112012, except that, (1) subject to approval by the director of the budget prior to March 1, 20102012, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 20102012, the state fair board may certify an amount on March 1,

20102012, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 20102012, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2010, and (2) subject to approval by the director of the budget prior to March 1, 2011, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, eash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2011, the state fair board may certify an amount on March 1, 2011, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair eapital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1. 2011, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair eapital improvements fund for fiscal year 20112012. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

- (c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal yearsyear ending June 30, 2010, June 30, 2011, or June 30, 2012.
- Sec. 177. On July 1, 2011, K.S.A. 2010 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2010 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.
- (b) On the effective date of this act and on July 1, 2008, July 1, 2013, and July 1, 2014, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto. On July 1, 2012, and on July 1, 2013, the director of accounts and reports shall transfer \$2,000,000 from the economic development initiatives fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto. On July 1, 2012, and on July 1, 2013, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto.

Sec. 178. On July 1, 2011, K.S.A. 2010 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2016, the director of accounts and reports shall transfer

\$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951, and amendments thereto, and \$100,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2009. state fiscal year 2010, state fiscal year 2011 or, state fiscal year 2012 or state fiscal year 2013; (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2009 shall not exceed \$320,000; (c) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2010 shall not exceed \$288,000; and (d) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2011 shall not exceed \$374.865; and (e) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2012 shall not exceed \$400.000.

- Sec. 179. On July 1, 2011, K.S.A. 2010 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).
- (b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:
- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;
 - (2) determine the median AVPP of all school districts:
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
- (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed

100%. The state aid computation percentage is 25%;

- (5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;
- (6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.
- (c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2011, or June 30, 2012, or June 30, 2013. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.
- (d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.
- (e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.
- Sec. 180. On July 1, 2011, K.S.A. 2010 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).
- (b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:
- (1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section:
 - (2) determine the median AVPP of all school districts;
- (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts:

- (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;
- (5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;
- (6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and
- (7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.
- (c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund.
- (d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.
- (e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.
- (f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is

entitled to receive under this section.

- Sec. 181. On July 1, 2011, K.S.A. 2010 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.
- (b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.
- (c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, 20112012, 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 20102011 regular session of the legislature.
- Sec. 182. On July 1, 2011, K.S.A. 2010 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2010 Supp. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund.
- (b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of

distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

- (c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.
- (d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$6,000,000 in fiscal year 2009, \$7,000,000 in fiscal year 2010 and \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.
- Sec. 183. On July 1, 2011, K.S.A. 2010 Supp. 76-783 is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and development facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.
- (2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and

interest on the bonds until the bonds are finally paid.

- (3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to each such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. All such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, and June 30, 2013, shall be considered to be revenue transfers from the state general fund. The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed \$10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed \$50,000,000. The Kansas development finance authority and the board of regents shall enter into contracts with respect to the scientific research and development facilities financed under this act prescribing the obligation of the board of regents and the state educational institutions to provide for repayment of amounts of bond debt service in addition to those amounts provided for by transfers under this section from the state general fund.
- (b) (1) The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.
- (2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 et seq., and amendments thereto.
- (c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:
- (1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;
- (2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;
- (3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the refunding of outstanding or other bonds;
- (4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and
- (5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

- (d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.
- (e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.
- (f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.
- (g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.
- (h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.
- (i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas development finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.
- (j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.
- (k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law

of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

- (l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.
- Sec. 184. On July 1, 2011, K.S.A. 2010 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto.
- (2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2010, pursuant to this section.
- (3) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 20112012, pursuant to this section.
- (4) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 20122013, pursuant to this section.
- (b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.
- (c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.
- Sec. 185. On July 1, 2011, K.S.A. 2010 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.
- (b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010, 2011, and 2012, and 2013, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year $\frac{20132014}{2014}$

\$20,250,000 during fiscal year 20142015, and \$27,000,000 during fiscal year 20152016 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year 20132014 shall be considered to be revenue transfers from the state general fund.

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

Sec. 186. On July 1, 2011, K.S.A. 2010 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years 2011 and 2012 and 2013. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 187. On July 1, 2011, K.S.A. 2010 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. (a) On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year 2010, state fiscal year 2011, or state fiscal year 2012-or state fiscal year 2013; (3) all transfers under this section shall be considered to be demand transfers from the state general fund; and (3) (A)(4) (A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425c, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425c, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: Barton county,

\$7,984.99; Butler county, \$96,937.27; Douglas county, \$128,245.99; Leavenworth county, \$55,766.22; Shawnee county, \$267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, \$3,839.12; Anderson county, \$2,957.98; Atchison county, \$4,345.79; Barber county, \$1,813.76; Bourbon county, \$2,945.98; Brown county, \$1,590.14; Chase county, \$1,364.54; Chautauqua county, \$539.42; Cherokee county, \$5,874.25; Cheyenne county, \$1,317.84; Clark county, \$757.32; Clay county, \$968.54; Cloud county, \$2,774.68; Coffey county, \$2,894.76; Comanche county, \$446.63; Cowley county, \$2,116.31; Crawford county, \$5,558.19; Decatur county, \$1,615.15; Dickinson county, \$6,024.00; Doniphan county, \$2,626.24; Edwards county, \$1,580.33; Elk county, \$525.08; Ellis county, \$8,774.46; Ellsworth county, \$2,334.37; Finney county, \$5,837.57; Ford county, \$7,048.03; Franklin county, \$6,898.28; Geary county, \$976.57; Gove county, \$1,058.76; Graham county, \$1,409.48; Grant county, \$1,936.03; Gray county, \$2,355.25; Greeley county, \$941.53; Greenwood county, \$2,701.29; Hamilton county, \$1,060.71; Harper county, \$1,466.35; Harvey county, \$7,863.46; Haskell county, \$1,335.39; Hodgeman county, \$959.20; Jackson county, \$4,647.68; Jefferson county, \$6,701.43; Jewell county, \$1,211.66; Johnson county, \$115,947.72; Kearny county, \$1,160.82; Kingman county, \$2,801.87; Kiowa county, \$1,441.36; Labette county, \$5,563.25; Lane county, \$652.48; Lincoln county, \$1,203.05; Linn county, \$3.772.22: Logan county. \$1.169.58: Lyon county. \$8.236.73: Marion county. \$3,681.52; Marshall county, \$3,878.17; McPherson county, \$8,652.66; Meade county, \$1,048.56; Miami county, \$10,701.45; Mitchell county, \$3,466.79; Montgomery county, \$8,377.29; Morris county, \$1,955.91; Morton county, \$1,200.61; Nemaha county, \$3,774.74; Neosho county, \$5,507.28; Ness county, \$991.77; Norton county, \$1,800.14; Osage county, \$2,327.93; Osborne county, \$1,882.73; Ottawa county, \$2,063.91; Pawnee county, \$1,802.09; Phillips county, \$2,622.20; Pottawatomie county, \$6,512.08; Pratt county, \$2,187.16; Rawlins county, \$1,119.60; Reno county, \$12,935.71; Republic county, \$2,272.31; Rice county, \$1,722.51; Riley county, \$11,149.53; Rooks county, \$2,252.51; Rush county, \$1,235.76; Russell county, \$577.59; Saline county, \$14,049.86; Scott county, \$1.340.37; Sedgwick county, \$117.126.91; Seward county, \$4.488.67; Sheridan county, \$1,786.11; Sherman county, \$194.37; Smith county, \$1,993.99; Stafford county, \$2,029.27; Stanton county, \$991.97; Stevens county, \$638.08; Sumner county, \$5,908.68; Thomas county, \$3,388.44; Trego county, \$1,781.87; Wabaunsee county, \$2,354.10; Wallace county, \$994.33; Washington county, \$2,554.75; Wichita county, \$1,333.92; Wilson county, \$3,659.10; Woodson county, \$1,214.90; Wyandotte county, \$16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425c, and amendments thereto, or any other statute, each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection (a)(3)(A)(a)(4) (A); and (C) acceptance of the payments made pursuant to this subsection $\frac{(a)(3)}{(a)(4)}$ shall be deemed as payment in full and a release of any liability from the county to the

state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.

(b) During the state fiscal year ending June 30, 2010, on July 15, 2009, and January 15, 2010, the director of accounts and reports shall transfer \$2,515,916 from the state highway fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto.

Sec. 188. On July 1, 2011, K.S.A. 2010 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On April 1, 2007, the director of accounts and reports shall transfer \$437.500 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on April 1, 2007, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund. On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, except: (a) That, during the fiscal year ending June 30, 20112012, on July 1. 2010/2011. October 1. 2010/2011. and January 1. 2011/2012. and April 1. 20112012, the director of accounts and reports shall transfer \$50,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, and (b) that, if sufficient moneys are not available in the state economic development initiatives fund for any such transfer during the fiscal year ending June 30, 20112012, then the director of accounts and reports shall transfer the amount available in the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund on the date specified in the fiscal year ending June 30, 2011 2012. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 20112012, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund; except that no moneys shall be transferred from the state general fund to the Kansas biodiesel fuel producer fund during the fiscal year ending June 30, 2011, or the fiscal year ending June 30, 2012.

Sec. 189. On July 1, 2011, K.S.A. 2010 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that (1) no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2010, or June 30, 2011, or June 30, 2013, and (2) any transfers of moneys from the state general fund to the Kansas retail dealer incentive fund during the state fiscal year ending June 30, 2010, under this or any other statute that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be

entered upon the accounting records of the state treasurer therefor. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

- (b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto.
- (c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.
- Sec. 190. On July 1, 2011, K.S.A. 2010 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, (2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed \$2,000,000, (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed \$3,295,432, and (4) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2011, shall not exceed \$1,348,245, and (5) no moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years ending June 30, 2012, or June 30, 2013. On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of \$2,000,000 which was transferred from the state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2010, and June 30, 2011, shall be considered revenue transfers from the state general fund.
- Sec. 191. On July 1, 2011, K.S.A. 2010 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.
- (b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2010 Supp. 74-99b01 et seq., and amendments thereto.
- (c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue,

the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

- (d) (1) Except as provided in subsection (d)(2) or (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. The state treasurer may make estimated payments to the bioscience authority more frequently based on estimates provided by the secretary of revenue and reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:
- (1)(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and
- $\frac{(2)_{B}}{(B)}$ the net earnings rate of the pooled money investment portfolio for the preceding month.
- (2) (A) For fiscal year 2012, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the sales tax refund fund of the department of revenue to the following: the center of innovation for biomaterials in orthopaedic research Wichita state university fund.
- (B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.
- (e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581.8 million \$581,800,000.
- (f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the <u>state_legislative</u> post audit act to_* K.S.A. 46-1106 et seq., and amendments thereto.
- (g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.
- (h) During the fiscal years ending June 30, 2012, and June 30, 2013, the aggregate amount that is directed to be transferred from the state general fund to the

bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$35,000,000 for each such fiscal year.

- Sec 193. On July 1, 2011, K.S.A. 2010 Supp. 49-514 is hereby amended to read as follows: 49-514. (a) (1) For individuals who have rented and resided in their homes in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable housing elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments and not in a single lump sum. In addition, such individuals may receive not more than \$1,000 for moving expenses.
- (2) For other individuals who are renting and residing in their homes in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (a)(1).
- (b) (1) Subject to the provisions of subsection (g), for individuals who have owned and resided in their homes in the affected community continuously since March 13, 2006, the trust shall purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than \$1,000 for moving expenses.
- (2) Subject to the provisions of subsection (g), for other individuals who own and reside in their homes in the affected community, the trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (b)(1).
- (c) (1) Subject to the provisions of subsection (h), for persons who have rented the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable premises elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than \$2,000 for moving expenses.
- (2) Subject to the provisions of subsection (h), for other persons who are renting the premises of and operating their businesses or nonprofit organizations in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (c)(1).
- (d) (1) Subject to the provisions of subsections (g) and (h), for persons who have owned the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, the trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial property elsewhere in the county where the

affected community is located. In addition, such persons may receive not more than \$2,000 for moving expenses.

- (2) Subject to the provisions of subsections (g) and (h), for other persons who own the premises of and operate their businesses or nonprofit organizations in the affected community, the trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (d)(1).
- (e) Subject to the provisions of subsections (g) and (h), for persons who own rental property in the affected community, the trust, in its discretion, may purchase the rental property for: (A) An amount equal to the average cost of comparable rental property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or (B) an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.
- (f) Subject to the provisions of subsection (h), in addition to the purchase of property as otherwise authorized by this act, the trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding:
- (1) The average cost of comparable property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or
- (2) the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase-, if the person has not owned such property continuously since March 13, 2006.
- (g) If a home or the premises of a business or nonprofit organization is a movable structure and the trust grants relocation assistance to the owner pursuant to this section, the trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.
- (h) A person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.
- (i) Payments made pursuant to the provisions of this act may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.
- (j) Participation in the assistance program provided for by this act shall be voluntary. No person shall be required to relocate or sell property under the provisions of this act.
- (k) Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the manner that the trust determines will best serve the state of Kansas and public interest.
- (l) The use of moneys pursuant to this section shall not be subject to the uniform relocation assistance and real property acquisition policies act of 1970 (42 U.S.C. § 4601 et seq.).
 - Sec. 192. On July 1, 2011, section 138 of chapter 165 of the 2010 Session Laws

- of Kansas and K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a are hereby repealed.
- Sec. 193. Severability. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.
- Sec. 194. Appeals to exceed position limitations. (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2011, or ending June 30, 2012, made in chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature may be exceeded upon approval of the state finance council.
- (b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2013, made in this act or in any other appropriation act of the 2011 regular session of the legislature may be exceeded upon approval of the state finance council.
- Sec. 195. Appeals to exceed expenditure limitations. (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.
- (b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.
- Sec. 196. Savings. (a) Any unencumbered balance as of June 30, 2011, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for the same use and purpose as the same was heretofore appropriated.
- (b) Any unencumbered balance as of June 30, 2012, in any special revenue fund, or account thereof, of any state agency named in section 79 of this act which is not otherwise specifically appropriated or limited for fiscal year 2013 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for the same use and purpose as the same was heretofore appropriated.
- (c) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or to any account of any of such funds.
- Sec. 197. During the fiscal year ending June 30, 2012, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not

otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2012, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

- Sec. 198. Federal grants. (a) During the fiscal year ending June 30, 2012, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.
- (b) During the fiscal year ending June 30, 2013, each federal grant or other federal receipt which is received by a state agency named in section 79 of this act and which is not otherwise appropriated to that state agency for fiscal year 2013 by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2013, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2013.
- (c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature to apply for and receive federal grants during fiscal year 2012, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.
- Sec. 199. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature, and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30,

- 2012, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.
- (b) This section shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.
- Sec. 200. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.
- (b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.
- Sec. 201. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.
- (b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.
- Sec. 202. Any transfers of money during the fiscal year ending June 30, 2012, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2012.
- Sec. 203. This act shall take effect and be in force from and after its publication in the Kansas register.";

Also on page 1, in the title, by striking all in lines 1 through 5 and inserting the following:

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.";

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

CAROLYN McGINN
JOHN VRATIL
LAURA KELLY
Conferees on part of Senate

Marc Rhoades
Richard Carlson
Bill Feuerborn
Conferees on part of House

On motion of Rep. Rhoades, the conference committee report on HB 2014 was adopted.

On roll call, the vote was: Yeas 69; Nays 55; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Fawcett, Goico, Gonzalez, Gordon, Grange, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Neal, Osterman, Patton, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Smith, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Boman, Brown, Burroughs, Carlin, Collins, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goodman, Grant, Gregory, Grosserode, Henderson, Henry, Hildabrand, Kelley, Kiegerl, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, O'Brien, O'Hara, Otto, Pauls, Peck, Peterson, Phelps, Rubin, Ruiz, Scapa, Slattery, Spalding, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore.

Present but not voting: None. Absent or not voting: None.

PROTEST

Mr. Speaker: Pursuant to Article 2, Section 10 of the constitution of the State of Kansas, I protest passage of **HB 2014**.

The committee report before us today represents the sincere work of House conferees faced with the difficult task of balancing the myriad of sensitive policy and political issues inherent to any budget bill, but made especially pressing by the fiscal realities that confront us. A conservative member who, like me, is considering voting against this proposed budget must act with great circumspection in determining if this is in fact the correct path.

Prudence is a core political virtue and the disparagement of ½ a loaf in pursuit of unattainable ideological purity can be the cause of much mischief, making compromise impossible and thus imperiling the valid task of balancing the diverse interests found within any polity. With this in mind any conservative member inclined to vote no on this report must be careful to act only upon sufficient reflection, having weighed the consequences and having given due consideration to the fact that, human beings and human societies are inherently imperfect, and just as no perfect social order is possible, no budget that must consider a broad range of interests will ever be fully satisfactory to everyone.

We must not then reject this budget out of a fanciful adherence to an abstract ideology detached from the prudential considerations that our office as public servants demand we consider. With this in mind conservatives who are considering voting against this budget must give due consideration to a number of salient arguments offered by its supporters, I will mention only four:

First, we are all keenly aware of the obligation of the legislature to pass a budget; failure to do so would have grave consequences that cannot be wished away. At some point, in some fashion a budget bill that can receive 63 votes in the House, 21 in the Senate and the Governor's signature must be arrived at in order for vital functions of government to proceed. I agree conservatives should give due weight to this argument.

Second, the budget before us, it has been argued, should be looked at in total, not just through the lens of the growing SGF, but in the broader context of the All Funds budget which in fact decreases under this proposal. Conservatives should also examine this argument carefully and respectfully.

Third, it is further argued that the budget before us is a work of significant compromise with a recalcitrant Senate that is disinclined to enact serious fiscal reform and as such represents the best deal possible as a practical reality. This is an important argument that no conservative should dismiss out of hand.

And finally, some argue, were this budget to fail the most likely result is not an opportunity to vote on a more fiscally responsible proposal, but the empowerment of a renewed coalition of those who wish to add rather than subtract from the proposal we are considering today. This argument, I know, bears greatly on the thinking of many conservative members, who fear as I do allowing to adherence to a theoretical best case scenario to cause us to allow to slip through our grasp the best practically available result

I ask every conservative member to consider these, and all other reasonable arguments in favor of a yes vote carefully and in good faith. I can say for my part that I have attempted to do so with an open mind and with humility, ready to concede that my own conclusions may indeed be in error.

Having done my level best, to consider all of these things I am left at the end of the day with one overriding concern. Many of you I would imagine have seen the great movie A Man for All Seasons which considers a potion of the life of English statesman and martyr Sir Thomas More. It is a movie of many memorable lines; but as I have wrestled with the decisions we are faced with tonight one of those lines in particular has continually come back to me, and it is this: "I think that when statesmen forsake their own private conscience for the sake of their public duties, they lead their country by a short route to chaos."

There is no doubt that the legislature has a public duty to pass a budget. Yet this public duty of the legislature as a whole quite obviously cannot impose an obligation upon individual members to vote for just any budget. Nor, would I argue, can it impose a duty upon a member to vote for a budget that violates a core commitment. For me the point of conscience arises out of the commitment I have made in repeated public pronouncements and quite explicitly in my most recent campaign that I would not support expenditures in excess of available tax revenue, nor SGF increases of greater than inflation plus population growth. To say one thing while meaning or doing another is indeed a short road to chaos.

Still two further things must be considered, was the commitment I and perhaps others made correct, or was it made rashly based upon incorrect assumptions. And second has new information emerged that would justify deviating from such a commitment. In my

own case I must answer these questions in the negative.

The nature and extent of the budget challenge we face this year should come as no surprise to anyone, I certainly knew it when I made the commitments I have made; it is the natural product of years of overspending and the blind acceptance and expenditure of federal stimulus dollars. Both of which I have not merely warned about, but have repeatedly over the years offered legislation and floor amendments to prevent. But of course, "I told you so" is not a policy proscription that abrogates the actual hard work of governing. Still, no new information or argument has convinced me that adherence to the simple principle of living within our means is inconsistent with the mandates of practical politics; indeed if it is then we are very far indeed down the road to our demise.

Living within our means is not an unrealistic goal, a perusal of the headlines tells us we can do better. Indiana passed a budget that spends less than available tax revenue, leaving a \$1 billion surplus, while reducing the corporate income tax 24% and creating a process for returning cash reserves to the taxpayers. Such results are attainable here, if we have the political courage to make it so.

No argument for this budget can overcome the simple fact that we will spend \$6.058 billion despite estimated available tax revenue of \$5.8 billion; and that we will spend approximately \$380 million more SGK dollars in FY 2012 than in FY 2011 and \$785 million more than FY 2010. For me to vote for such a budget would be to violate core campaign pledges and as such to violate my private conscience in the name of public duty. To do so would not be honest and would be a disservice to our state, it would indeed be a short route to chaos. I urge each of you to examine your own conscience and to vote accordingly.--Lance Kinzer

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2015**.

On motion of Rep. Siegfreid, the House recessed until 4:00 a.m.

EARLY MORNING SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 111** submits the following report:

The House recedes from all of the amendments to the bill made in House Committee of the Whole:

The Senate accedes to all other House amendments to the bill;

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

CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House
JEAN KURTIS SCHODORF
JOHN VRATIL
Conferees on part of Senate

On motion of Rep. Aurand, the conference committee report on **H. Sub. for Sub. SB** 111 was adopted.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Frownfelter, Henderson, Kuether, Lane, Meier, Ruiz, Tietze, Winn. Present but not voting: None.

Absent or not voting: Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 127** 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 Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 7 through 35;

By striking all on pages 2 through 17 and inserting the following:

"New Section 174. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the university engineering initiative act.

New Sec. 175. (a) The legislature of the state of Kansas hereby finds and declares that:

- (1) Engineering intensive industries represent approximately one-third of the statewide payroll and tax base;
- (2) under the university engineering initiative act, the secretary of commerce, in consultation with the board of regents, state educational institutions and private industry, shall develop a plan to ensure engineering industry partners find the new talent, designs and techniques needed to fuel economic growth and business success in

Kansas;

- (3) the goal of the university engineering initiative act is to increase the number of engineering graduates to 1,365 graduates per year in 2021, and all moneys appropriated pursuant to this act shall be used to meet this goal; and
- (4) the needs of the citizens of the state of Kansas will be best served if the secretary of commerce, the board of regents and the state educational institutions under the control and supervision of the board of regents are granted specific authority to assist in the expansion of the engineering programs.
- (b) The exercise of the powers authorized by this act are deemed an essential governmental function in matters of public necessity for the entire state to increase the number of engineering graduates.

New Sec. 176. As used in this act, the following words and phrases have the following meanings unless a different meaning clearly appears from the content:

- (a) "Board of regents" means the state board of regents of the state of Kansas established by K.S.A. 74-3202a, and amendments thereto.
- (b) "Engineering initiative facility" means any facility, including real and personal property, for which the primary purpose is to educate additional engineers and which is under the control of a state educational institution.
 - (c) "Secretary" means the secretary of commerce.
 - (d) "State" means the state of Kansas.
- (e) "State educational institution" means Kansas state university of agriculture and applied science, university of Kansas and Wichita state university.
 - (f) "This act" means the university engineering initiative act.
- New Sec. 177. (a) The secretary, the board of regents and the state educational institutions shall have all the powers necessary or convenient to carry out the purposes and provisions of this act.
- (b) When reviewing plans of each state educational institution and making decisions regarding expenditures from the Kan-grow engineering fund KU, Kan-grow engineering fund KSU and Kan-grow engineering fund WSU, the secretary, in consultation with the board of regents, shall consider the different needs of each state educational institution to expand such institution's program to increase the number of engineering graduates.
- (d) On or before the first day of the 2017 regular session, the secretary shall conduct a review of each state educational institution's plan to meet the goals established in the university engineering initiative act. The report shall include an analysis of whether or not the institutions are on course to meet the goals established in this act.

New Sec. 178. (a) The board of regents and the state educational institutions are authorized to acquire, construct and equip engineering facilities on state-owned property of the board of regents or any state educational institution for purposes of educating engineers from any moneys of the board of regents or the state educational institutions available therefor, except that no such engineering facilities shall be acquired, constructed or equipped and no moneys shall be expended therefor unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each capital improvement project proposed therefor. The engineering facilities shall become the property of the state upon completion and acceptance by the board of regents.

- (b) The board of regents and the state educational institutions are authorized to initiate and complete capital improvement projects to repair, remodel or renovate state buildings and facilities of the state educational institutions for use as engineering facilities from any moneys of the board of regents or the state educational institutions, except that no such capital improvement project for such repair, remodeling or renovation shall be initiated unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each such capital improvement project proposed therefor.
- (c) Each state educational institution shall submit to the secretary and the board of regents a plan to provide for the annual maintenance and operation costs of any newly constructed engineering facility or capital improvement of an existing engineering facility when seeking funding for the making of such construction or improvement from the secretary or the board of regents.
- New Sec. 6. (a) (1) There is hereby created in the state treasury the Kan-grow engineering fund KU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at the university of Kansas, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund KU.
- (2) All expenditures from the Kan-grow engineering fund KU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund KU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.
- (b) (1) There is hereby created in the state treasury the Kan-grow engineering fund KSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Kansas state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund KSU.
- (2) All expenditures from the Kan-grow engineering fund KSU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund KSU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.
- (c) (1) There is hereby created in the state treasury the Kan-grow engineering fund WSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Wichita state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund WSU.

- (2) All expenditures from the Kan-grow engineering fund WSU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund WSU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.
- New Sec. 7. Purchases by the board of regents or the state educational institutions relating to engineering initiative facilities shall not be subject to sales tax under K.S.A. 79-3601 et seq., and amendments thereto, or use tax under K.S.A. 79-3701 et seq., and amendments thereto.
- New Sec. 8. This act shall be liberally construed. Except as otherwise expressly provided, nothing contained in this act is or shall be construed as a restriction or limitation upon any powers which the secretary, the board of regents or the state educational institutions might otherwise have under other law of this state, and the provisions of this act are cumulative to such powers. The provisions of this act do and shall be construed to provide a complete, additional and alternative method for doing the things authorized and shall be regarded as supplemental and additional to any other laws. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general, specific or local, the provisions of this act shall be controlling.
- Sec. 9. K.S.A. 2010 Supp. 74-8768 is hereby amended to read as follows: 74-8768. (a) There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of reduction of state debt, state infrastructure improvements, the university engineering initiative act, and reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund.
- (b) On July 1, 2012, July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, or as soon thereafter such date as moneys are available, the first \$10,500,000 credited to the expanded lottery act revenues fund shall be transferred by the director of accounts and reports from the expanded lottery act revenues fund in one or more substantially equal amounts, to each of the following: the Kan-grow engineering fund KU, Kan-grow engineering fund KSU and Kan-grow engineering fund WSU. Each such special revenue fund shall receive \$3,500,000 annually in each of such years.
 - Sec. 10. K.S.A. 2010 Supp. 74-8768 is hereby repealed.
- Sec. 11. 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, by striking all in lines 1 through 4 and inserting the following:
- "AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section.";
 - And your committee on conference recommends the adoption of this report.

MARC RHOADES
KASHA KELLEY
BILL FEUERBORN
Conferees on part of House
CAROLYN McGINN
JOHN VRATIL
LAURA KELLY
Conferees on part of Senate

On motion of Rep. Rhoades, the conference committee report on SB 127 was adopted.

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Kelly, Kerschen, Kiegerl, Kleeb, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Neal, Osterman, Pauls, Phelps, Pottorff, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Brunk, Calloway, Collins, DeGraaf, Donohoe, Fawcett, D. Gatewood, Grosserode, Hayzlett, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Meigs, O'Brien, O'Hara, Otto, Patton, Peck, Powell, Rubin, Scapa, Schwab, Schwartz, Siegfreid, Smith.

Present but not voting: None.

Absent or not voting: Bethell, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 154, as follows:.

On page 2, following line 31, by inserting the following:

"New Sec. 2. The university of Kansas is hereby authorized to initiate and complete a capital improvement project for the university of Kansas school of engineering expansion project phase II and such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. The university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project, except that expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall

not exceed \$65,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. Debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2, following the semicolon by inserting "relating to engineering expansion";

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

Marc Rhoades
Kasha Kelley
Bill Feuerborn
Conferees on part of House
Carolyn McGinn
John Vratil
Laura Kelly
Conferees on part of Senate

On motion of Rep. Rhoades, the conference committee report on **H. Sub. for SB** 154 was adopted.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brunk, DeGraaf, Donohoe, Hildabrand, Howell, Kelley, Kinzer, Landwehr, Mast, McLeland, Patton, Peck, Scapa, Siegfreid, Tyson.

Present but not voting: None.

Absent or not voting: Bethell, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2182** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on

conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 14, before "Sections" by inserting "(a)"; after line 15, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 16, before "As" by inserting "(a)"; after line 23, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 2, after line 21, by inserting "(c) This section shall take effect on and after July 1, 2011."; after line 38, by inserting "(c) This section shall take effect on and after July 1, 2011."; in line 39, before "Any", by inserting "(a)";

On page 3, after line 2, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 3, before "This" by inserting "(a)"; after line 7, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 4, after line 18 by inserting "(i) This section shall take effect on and after July 1, 2011."; in line 19, before "K.S.A." by inserting "On July 1, 2011,";

On page 5, in line 17 before "K.S.A." by inserting "On July 1, 2011,"; by striking all in lines 37 through 43;

By striking all on pages 6 through 16;

And by renumbering sections accordingly;

On page 17, by striking all in lines 1 through 35; in line 36, by striking "Section" by inserting "On July 1, 2011, section";

On page 18, after line 23, by inserting:

- "Sec. 11. On July, 1, 2011, section 3 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 3. (a) On and after August-September 1, 2011, no person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor or a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the addictions counselor licensure act.
- (b) On and after August September 1, 2011, no person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor or is a clinical addiction counselor or a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor licensure act.
 - (c) Violation of this section is a class B misdemeanor.";

And by renumbering sections accordingly:

Also on page 18, in line 24, by striking "Section" and inserting "On July 1, 2011, section"; in line 34, by striking "supporting the" and inserting "on";

On page 19, in line 29, by striking "as an" and inserting "by the board as a licensed";

On page 21, in line 17, by striking "for" and inserting "from"; in line 19, by striking "Section" and inserting "On July 1, 2011, section";

On page 22, in line 13, by striking "Section" and inserting "On July 1, 2011, section"; in line 38, by striking "Section" and inserting "On July 1, 2011, section";

On page 23, in line 22, by striking "Section" and inserting "On July 1, 2011, section"; On page 24, in line 15, by striking "or chiropractic"; after line 42, by inserting "(g) This section shall take effect on and after July 1, 2011."; in line 43, before "The" by inserting "(a)";

On page 25, in line 12, before the semicolon by inserting "and is conducted in a manner which protects the health and safety of the student athlete"; in line 15, before the period by inserting ", including requirements designed to protect the health and safety of such student athlete"; after line 15, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 16, before "K.S.A." by inserting "On July 1, 2011.";

On page 26, after line 42, by inserting:

"(g) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.";

Also on page 26, in line 43, before "K.S.A." by inserting "On July 1, 2011,";

On page 29, in line 27, before "Section" by inserting "(a)"; also in line 27, by striking "38" and inserting "21"; also in line 27, by striking "55" and inserting "34";

After line 29, by inserting "(b) This section shall take effect on and after July 1, 2011.";

By striking all in lines 30 through 43;

By striking all on page 30;

On page 31, by striking all in lines 1 through 34; after line 34, by inserting:

"New Sec. 22. As used in the Kansas health information technology and exchange act:

- (a) "Act" means the Kansas health information technology and exchange act.
- (b) "Approved HIO" means a health information organization operating in the state which has been approved by the corporation.
- (c) "Corporation" means the Kansas health information exchange, inc., created by executive order 10-06.
- (d) "Covered entity" means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse.
- (e) "Designated record set" means designated record set as that term is defined by the HIPAA privacy rule.
- (f) "Disclosure" means disclosure as that term is defined by the HIPAA privacy rule.
- (g) "DPOA-HC" means the person to whom a durable power of attorney for health care decisions has been granted by an individual in accordance with K.S.A. 58-625 et seq., and amendments thereto.
- (h) "Electronic protected health information" means electronic health information as that term is defined by the HIPAA privacy rule.
- (i) "Health care" means health care as that term is defined by the HIPAA privacy rule.
- (j) "Health care clearinghouse" means a health care clearinghouse, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (k) "Health care provider" means a health care provider, as that term is defined by the HIPAA privacy rule, that furnishes health care to individuals in the state.
- (l) "Health information" means health information as that term is defined by the HIPAA privacy rule.

- (m) "Health information organization" means any entity operating in the state which:
- (1) Maintains technical infrastructure for the electronic movement of health information among covered entities; and
- (2) promulgates and enforces policies governing participation in such health information exchange.
- (n) "Health information technology" means an information processing application using computer hardware and software for the storage, retrieval, use and disclosure of health information for communication, decision-making, quality, safety and efficiency of health care. "Health information technology" includes, but is not limited to: (1) An electronic health record; (2) a personal health record; (3) health information exchange; (4) electronic order entry; and (5) electronic decision support.
- (o) "Health plan" means a health plan, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (p) "HIPAA privacy rule" means the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E.
- (q) "Hybrid entity" means hybrid entity as that term is defined by the HIPAA privacy rule.
- (r) "Individual" means individual as that term is defined by the HIPAA privacy rule.
- (s) "Individually identifiable health information" means individually identifiable health information as that term is defined by the HIPAA privacy rule.
- (t) "Interoperability" means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.
- (u) "Participation agreement" means a written agreement between a covered entity and an approved HIO concerning the covered entity's participation in the approved HIO on terms consistent with section 32, and amendments thereto.
- (v) "Personal representative" means the person who has the legal authority to act on behalf of an individual.
- (w) "Protected health information" means protected health information as that term is defined by the HIPAA privacy rule.
- (x) "Public health authority" means public health authority as that term is defined by the HIPAA privacy rule.
 - (y) "Secretary" means the secretary of health and environment.
- (z) "Standard authorization form" means the standard authorization form developed and promulgated by the secretary pursuant to section 26, and amendments thereto.
 - (aa) "State" means the state of Kansas.
- (bb) "Use" means, with respect to individually identifiable health information, use as the term is defined by the HIPAA privacy rule.

This section shall take effect on and after July 1, 2011.";

Also on page 31, in line 35 before "It" by inserting "(a)"; after line 40, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 32, after line 5, by inserting "(c) This section shall take effect on and after July 1, 2011."; in line 28, by striking "53" and inserting "32"; in line 35 by striking "53" and inserting "32"; after line 41, by inserting "(d) This section shall take effect on and

after July 1, 2011.";

On page 33, after line 12, by inserting:

- "(c) No later than six months after the effect date of this act the secretary shall develop educational materials intended to increase awareness and promote a greater understanding of the standard authorization form created under this section, including the importance of ensuring that an individual's health information is readily available to health care providers at the point of care, in order to enable the best possible provision of health care services.
 - (d) This section shall take effect on and after July 1, 2011.";

Also on page 33, in line 24, by striking "(a) Any" and inserting "To the extent any"; in line 26, by striking all after "information"; by striking all in line 27; in line 28, by striking all before the comma, and inserting: "conflicts with the provisions of this act, the provisions of this act shall control"; also in line 28, by striking "(1)" and inserting "(a)"; in line 31, by striking "the" and inserting "any"; also in line 31, by striking "physician-patient" and inserting "health care provider-patient"; in line 32, by striking all after "privilege"; by striking all in lines 33 through 35, and inserting "This section shall take effect on and after July 1, 2011."; by striking all in lines 39 through 43;

By striking all on pages 34 through 36;

And by renumbering the remaining sections accordingly;

On page 37, in line 1, before "A" by inserting "(a)"; in line 3 by striking "permitted or"; in line 4, by striking the comma where it appears for the second time; after line 6, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 7, by striking the "(a)"; in line 11, by striking "(1)" and inserting "(a)"; in line 13, by striking "(2)" and inserting "(b)"; in line 15, by striking "(3)" and inserting "(c)"; in line 18, by striking "(4)" and inserting "(d)"; in line 20, by striking "(5)" and inserting "(e)"; in line 22, by striking "(6)" and inserting "(f)"; in line 24, by striking "(7)" and inserting "(g)"; in line 25, by striking "(8)" and inserting "(h)"; in line 27, by striking "16" and inserting "32"; after line 28, by inserting "This section shall take effect on and after July 1, 2011."; in line 33, by striking "51" and inserting "30"; in line 36, by striking "14" and inserting "30"; after line 40, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 39, after line 2, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 3, before "Any" by inserting "(a)"; following line 6 by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 7, before "Notwithstanding" by inserting "(a)"; following line 13, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 14, before "K.S.A." by inserting "On July 1, 2011,";

On page 41, following line 3, by inserting the following:

- "Sec. 37. On July 1, 2011, K.S.A. 2010 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of health of the department of health and environment as a part thereof.
- (b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory

committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

- (1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such lists list of persons in making appointments to the board under this paragraph.
- (2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.
- (3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such lists list of persons in making appointments to the board under this paragraph.
- (4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such lists list of persons in making appointments to the board under this paragraph.
- (5) Two members shall be attendants as defined in K.S.A. 65-6112, and amendments thereto who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.
- (6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.
- (7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of

these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such lists list of persons in making these appointments to the board.

- (8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.
- (9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.
- (10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.
- (c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under paragraphs (1) through (7) of subsection (b), six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).
- (d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue to serve as chairperson and vice-chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.
- (e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.
- (f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.
- (2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee which relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in

- subsections (a) and (e) without waiver of the privilege provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer which are privileged under this subsection (f) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2016.
- (3) The provisions of this subsection (f) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments, thereto.
- (f) (g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.
- Sec. 38. On July 1, 2011, K.S.A. 2010 Supp. 75-5665 is hereby amended to read as follows: (a) The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:
- (a)(1) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to subsection (f) of this section;
- (b)(2) develop a statewide trauma system plan including the establishment of regional trauma councils, using the 1998 2001 Kansas EMS-Trauma Systems Plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:
 - (1)(A) Maximize local and regional control over decisions relating to trauma care;
 - (2)(B) minimize bureaucracy;
- (3)(C) adequately protect the confidentiality of proprietary and personal health information;
 - (4)(D) promote cost effectiveness:
 - (5)(E) encourage participation by groups affected by the system;
 - (6)(F) emphasize medical direction and involvement at all levels of the system;
 - (7)(G) rely on accurate data as the basis for system planning and development; and
 - (8)(H) facilitate education of health care providers in trauma care;
- (e)(3) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care:
- (d)(4) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;
- (e)(5) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;

- (f)(6) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;
- (g)(7) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;
- (h)(8) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;
- (i)(9) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;
- (j)(10) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and
- (k)(11) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.
- (b) (1) Any meeting of a regional trauma council or any part of a meeting of such a council during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. A regional trauma council and the officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.
- (2) A regional trauma council or an officer thereof may advise, report to and discuss activities, information and findings of the council which relate to incidents of trauma injury or trauma care with the secretary of health and environment and make reports as provided in this section without waiver of the privilege provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such council or officer which are privileged under this subsection (b) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto.
- (3) The provisions of this subsection (b) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.
- Sec. 39. On January 1, 2012, K.S.A. 65-1113 is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:
 - (a) "Board" means the board of nursing.
- (b) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis.
- (c) "Treatment" means the selection and performance of those therapeutic measures essential to effective execution and management of the nursing regimen, and any prescribed medical regimen.
- (d) Practice of nursing. (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by

- K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury or infirmity; administration, supervision or teaching of the process as defined in this section; and the execution of the medical regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry. (2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in part (1) of this subsection (d) which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.
- (e) A "professional nurse" means a person who is licensed to practice professional nursing as defined in part (1) of subsection (d) of this section.
- (f) A "practical nurse" means a person who is licensed to practice practical nursing as defined in part (2) of subsection (d) of this section.
- (g) "Advanced <u>practice</u> registered nurse <u>practitioner</u>" or <u>"ARNP""APRN"</u> means a professional nurse who holds a <u>eertificate of qualification license</u> from the board to function as a professional nurse in an <u>expanded advanced</u> role, and this <u>expanded advanced</u> role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.
- Sec. 40. On January 1, 2012, K.S.A. 65-1114 is hereby amended to read as follows: 65-1114. (a) It shall be unlawful for any person:
 - (1) To practice or to offer to practice professional nursing in this state; or
- (2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse; or
 - (3) to practice or offer to practice practical nursing in this state; or
- (4) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse, unless such person has been duly licensed under the provisions of this act.
 - (b) It shall be unlawful for any person:
- (1) To practice or offer to practice as an advanced <u>practice</u> registered nurse practitioner in this state; or
- (2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced <u>practice</u> registered nurse <u>practitioner</u>, unless such person has been duly issued a <u>eertificate of qualification license</u> as an advanced <u>practice</u> registered nurse <u>practitioner</u> under the Kansas nurse practice act.
- Sec. 41. On January 1, 2012, K.S.A. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for license—	professional nurse\$	75
Application for license—	practical nurse	50

Application for biennial renewal of license—professional nurse and practical nurse60
Application for reinstatement of license
Application for reinstatement of licenses with temporary permit
Certified copy of license
Duplicate of license
Inactive license
Application for license eertificate of qualification—advanced practice registered nurse
practitioner
Application for license eertificate of qualification with temporary permit—advanced
<u>practice</u> registered nurse practitioner
Application for renewal of license eertificate of qualification advanced practice
registered nurse practitioner
Application for reinstatement of license certificate of qualification advanced practice
registered nurse practitioner
Application for authorization—registered nurse anesthetist
Application for authorization with temporary authorization—registered nurse
anesthetist110
Application for biennial renewal of authorization—registered nurse anesthetist60
Application for reinstatement of authorization—registered nurse anesthetist75
Application for reinstatement of authorization with temporary authorization—registered
nurse anesthetist
Verification of license to another state
Application for exempt license—professional and practical nurse
Application for biennial renewal of exempt license—professional and practical nurse. 50
Application for exempt <u>license</u> <u>eertification</u> advanced <u>practice</u> registered nurse
practitioner
Application for biennial renewal of exempt license eertificate—advanced practice
registered nurse practitioner
(b) The board may require that fees paid for any examination under the Kansas
nurse practice act be paid directly to the examination service by the person taking the
examination

- (c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier's checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made by personal checks with insufficient funds and payments made by credit cards.
- Sec. 42. On January 1, 2012, K.S.A. 65-1120, as amended by section 236 of 2011 House Bill No. 2339, is hereby amended to read as follows: 65-1120. (a) Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any licenseeertificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice_registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a eertificate of qualification temporary permit or authorization, if the applicant, licensee or holder of a eertificate of qualification temporary permit or authorization is found after hearing:

- (1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
- (2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and_amendments thereto, no license; certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;
- (3) to have committed an act of professional incompetency as defined in subsection (e);
- (4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol:
- (5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;
- (6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;
- (7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;
- (8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8); or
- (9) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, as established by any of the following:
- (A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. Supp. 60-4404, and amendments thereto.
- (C) A copy of the record of a judgment assessing damages under K.S.A. Supp. 60-4405, and amendments thereto.
- (b) *Proceedings*. Upon filing of a sworn complaint with the board charging a person with having been guilty of any of the unlawful practices specified in subsection (a), two or more members of the board shall investigate the charges, or the board may

designate and authorize an employee or employees of the board to conduct an investigation. After investigation, the board may institute charges. If an investigation, in the opinion of the board, reveals reasonable grounds for believing the applicant or licensee is guilty of the charges, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

- (c) *Witnesses*. No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in section 128 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.
- (d) Costs. If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.
- (e) Professional incompetency defined. As used in this section, "professional incompetency" means:
- (1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
- (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or
- (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.
- (f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.
- Sec. 43. On January 1, 2012, K.S.A. 65-1122 is hereby amended to read as follows: 65-1122. It is a violation of law for any person, firm, corporation or association to:
- (a) Sell or fraudulently obtain or furnish any nursing diploma, license, <u>or record or certificate of qualification</u> or aid or abet therein;
- (b) practice professional nursing, practical nursing or practice as an advanced <u>practice</u> registered nurse <u>practitioner</u>, unless duly licensed or certified to do so;
- (c) use in connection with such person's name any designation implying that such person is a licensed professional nurse, a licensed practical nurse or an advanced <u>practice</u> registered nurse <u>practitioner</u> unless duly licensed <u>or certified so</u> to practice under the provisions of the Kansas nurse practice act, and such license <u>or certificate</u> is then in full force;
- (d) practice professional nursing, practical nursing or as an advanced <u>practice</u> registered nurse practitioner during the time a license or certificate issued under the provisions of the Kansas nurse practice act shall have expired or shall have been

suspended or revoked;

- (e) represent that a school for nursing is approved for educating either professional nurses or practical nurses, unless such school has been duly approved by the board and such approval is then in full force;
- (f) violate any provisions of the Kansas nurse practice act or rules and regulations adopted pursuant to that act; or
- (g) represent that a provider of continuing nursing education is approved by the board for educating either professional nurses or practical nurses, unless the provider of continuing nursing education has been approved by the board and the approval is in full force

Any person who violates this section is guilty of a class B misdemeanor, except that, upon conviction of a second or subsequent violation of this section, such person is guilty of a class A misdemeanor.

- Sec. 44. On January 1, 2012, K.S.A. 65-1130 is hereby amended to read as follows: 65-1130. (a) No professional nurse shall announce or represent to the public that such person is an advanced <u>practice</u> registered nurse <u>practitioner</u> unless such professional nurse has complied with requirements established by the board and holds a valid <u>certificate of qualification_license</u> as an advanced <u>practice_registered nurse practitioner</u> in accordance with the provisions of this section.
- (b) The board shall establish standards and requirements for any professional nurse who desires to obtain a certificate of qualification licensure as an advanced practice registered nurse, practitioner. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurse practitioners. The board may require that some, but not all, types of advanced registered nurse practitioners hold an academic degree beyond the minimum educational requirement for qualifying for a license to practice as a professional nurse nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.
- (c) The board shall adopt rules and regulations applicable to advanced <u>practice</u> registered nurses nurse practitioners which:
- (1) Establish <u>eategories</u> <u>roles and identify titles and abbreviations</u> of advanced <u>practice</u> registered <u>nurse practitioners nurses</u> which are consistent with nursing practice specialties recognized by the nursing profession.
- (2) Establish education and qualifications necessary for eertification licensure for each eategory role of advanced practice registered nurse practitioner established by the board at a level adequate to assure the competent performance by advanced practice registered nurse practitioners nurses of functions and procedures which advanced practice registered nurse practitioners nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.
- (3) Define the role of advanced <u>practice</u> registered <u>nurse practitioners nurses</u> and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this subsection (c)(3) which is consistent with the education and qualifications required to obtain a <u>eertificate of qualification license</u> as an advanced <u>practice</u> registered nurse <u>practitioner</u>, which protects the public from persons

performing functions and procedures as advanced <u>practice</u> registered <u>nurse practitioners</u> nurses for which they lack adequate education and qualifications and which authorizes advanced <u>practice</u> registered <u>nurse practitioners nurses</u> to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a <u>eertificate of qualification licensure</u> as an advanced <u>practice</u> registered nurse <u>practitioner</u>; (B) the type of nursing practice and preparation in specialized <u>practitioner advanced practice</u> skills involved in each <u>eategory role</u> of advanced <u>practice</u> registered nurse <u>practitioner</u> established by the board; (C) the scope <u>and limitations of advanced practice</u> organizations <u>which certify nursing specialties</u>; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

- An advanced practice registered nurse practitioner may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse practitioner is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. practitioner. Any written prescription order shall include the name, address and telephone number of the responsible physician. The advanced practice registered nurse practitioner may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced practice registered nurse practitioner shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced practice registered nurse practitioner exceed the normal and customary practice of the responsible physician. An advanced practice registered nurse practitioner certified in the role eategory of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced practice registered nurse practitioner when prescribing drugs.
- (e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.
- (f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.

- Sec. 45. On January 1, 2012, K.S.A. 65-1131 is hereby amended to read as follows: 65-1131. (a) (1) *Certification. Licensure*. Upon application to the board by any professional nurse in this state and upon satisfaction of the standards and requirements established by the board under K.S.A. 65-1130, and amendments thereto, the board may issue a *eertificate of qualification license* to such applicant authorizing the applicant to perform the duties of an advanced <u>practice</u> registered nurse <u>practitioner</u> as defined by the board under K.S.A. 65-1130, and amendments thereto.
- (2) The board may issue a <u>certificate license</u> to practice nursing as an advanced <u>practice</u> registered nurse <u>practitioner</u> to an applicant who has been duly licensed or certified as an advanced <u>practice</u> registered nurse <u>practitioner</u> under the laws of another state or territory if, in the opinion of the board, the applicant meets the <u>licensure</u> qualifications required of an advanced <u>practice</u> registered nurse <u>practitioner</u> in this state. Verification of the applicant's licensure or certification status shall be required from the original state of licensure or certification.
- (3) An application to the board for a <u>eertificate of qualification</u>, for a <u>eertificate of qualification license</u>, a <u>license</u> with temporary permit, for renewal of a <u>eertificate of qualification license</u> and for reinstatement of a <u>eertificate of qualification license</u> shall be upon such form and contain such information as the board may require and shall be accompanied by a fee, to be established by rules and regulations adopted by the board, to assist in defraying the expenses in connection with the issuance of <u>eertificates of qualification licenses</u> as advanced <u>practice</u> registered <u>nurses nurse practitioners</u>, in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto.
- (4) An application for initial <u>eertification_licensure</u> or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.
- (5) The executive administrator of the board shall remit all moneys received pursuant to this section to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.
- (b) The board may grant a one-time temporary permit to practice as an advanced <u>practice</u> registered nurse <u>practitioner</u> for a period of not more than 180 days pending completion of the application for a <u>eertificate of qualification</u>. <u>license</u>.
- (c) Exempt eertificate license. The board may issue an exempt eertificate license to any advanced practice registered nurse practitioner as defined in rules and regulations who makes written application for such eertificate license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in advanced practice registered nursing nurse practice in Kansas but volunteers advanced practice registered nursing services or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt advanced practice registered nurse practitioner shall be subject to all provisions of the nurse practice act. Each exempt license may be renewed biennially subject to the provisions of this section. To convert an exempt license eertificate to an active license eertificate, the exempt advanced practice registered nurse practitioner shall meet all the requirements of subsection (a) or K.S.A. 65-1132, and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

- Sec. 46. On January 1, 2012, K.S.A. 2010 Supp. 65-1132 is hereby amended to read as follows: 65-1132. (a)(1) All certificates of qualification All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by rules and regulations of the board. The board shall send a notice for renewal of a certificate of qualification license to every advanced practice registered nurse practitioner at least 60 days prior to the expiration date of such person's license. Every person who desires to renew such certificate of qualification license shall file with the board, on or before the date of expiration of such certificate of qualification-license:
 - (1) A renewal application together with the prescribed biennial renewal fee;
- (2) evidence of completion of continuing education in the advanced practice registered nurse role, which has met the continuing education requirement for an advanced practice registered nurse as developed by the board or by a national organization whose certifying standards are approved by the board as equal to or greater than the corresponding standards established by the board. These continuing education credits approved by the board may be applied to satisfy the continuing education requirements established by the board for licensed professional nurses under K.S.A. 65-1117, and amendments thereto, if the board finds such continuing education credits are equivalent to those required by the board under K.S.A. 65-1117, and amendments thereto; and
 - (3) proof of evidence of current licensure as a professional nurse.

Upon receipt of such application and payment of any applicable fee, and upon being satisfied that the applicant for renewal of a <u>eertificate of qualification license</u> meets the requirements established by the board under K.S.A. 65-1130, and amendments thereto, in effect at the time of initial qualification of the applicant, the board shall verify the accuracy of the application and grant a renewal <u>eertificate of qualification.license.</u>

- (b) Any person who fails to secure a renewal <u>eertificate of qualification license</u> prior to the expiration of the <u>eertificate of qualification license</u> may secure a reinstatement of such lapsed <u>eertificate of qualification license</u> by making application therefor on a form provided by the board, upon furnishing proof that the applicant is competent and qualified to act as an advanced <u>practice</u> registered nurse <u>practitioner</u> and upon satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board.
- Sec. 47. On January 1, 2012, K.S.A. 65-1133 is hereby amended to read as follows: 65-1133. (a) An approved educational and training program for advanced <u>practice</u> registered <u>nurses nurse practitioners</u> is a program conducted in Kansas which has been approved by the board as meeting the standards and the rules and regulations of the board. An institution desiring to conduct an educational and training program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> shall apply to the board for approval and submit satisfactory proof that it is prepared to and will maintain the standards and the required curriculum for advanced <u>practice</u> registered <u>nurse-practitioners nurses</u> as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of an educational program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved educational program for

advanced <u>practice</u> registered <u>nurse practitioners nurses</u> shall apply to the board for the renewal of approval and submit satisfactory proof that it will maintain the standards and the required curriculum for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each program shall submit annually to the board an annual fee fixed by the board's rules and regulations to maintain the approved status.

- (b) A program to qualify as an approved educational program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> must be conducted in the state of Kansas, and the school conducting the program must apply to the board and submit evidence that: (1) It is prepared to carry out the curriculum prescribed by rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by law and the rules and regulations of the board.
- (c) The board shall prepare and maintain a list of programs which qualify as approved educational programs for advanced practice registered nurse practitioners nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for eertificates of qualification licensure as advanced practice registered nurse practitioners. nurses. A survey of the institution or school applying for approval of an educational program for advanced practice registered nurse practitioners nurses shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for approval are met, it shall so approve the program. The board shall resurvey approved programs on a periodic basis as determined by rules and regulations. If the board determines that any approved program is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such program, shall be given. A program which fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved programs until such time as the program shall comply with such standards. All approved programs shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.
- (d) The board may accept nationally accredited <u>advance_advanced_practice_registered_nurse_practitioner_programs</u> as defined <u>in rule_and_regulation_by_rules_regulations_adopted_by_the_board_in_accordance_with_K.S.A. 65-1130, and amendments_thereto:</u>
- (1) Advanced <u>practice</u> registered nurse <u>practitioner</u> programs which have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board, and thereafter shall file all reports from the accreditation agency and any notice of any change in school accreditation status.
- (2) Advanced <u>practice</u> registered nurse <u>practitioner</u> programs holding approval based upon national accreditation are also responsible for complying with all other requirements as determined by rules and regulations of the board.
- (3) The board may grant approval to an advanced <u>practice</u> registered nurse practitioner program with national accreditation for a continuing period not to exceed 10 years.

- Sec. 48. On January 1, 2012, K.S.A. 65-1154 is hereby amended to read as follows: 65-1154. Upon application to the board by any licensed professional nurse in this state and upon satisfaction of the standards and requirements established under this act and K.S.A. 65-1130, and amendments thereto, the board shall grant an authorization to the applicant to perform the duties of a registered nurse anesthetist and be eertified licensed as an advanced practice registered nurse practitioner. An application to the board for an authorization, for an authorization with temporary authorization, for biennial renewal of authorization, for reinstatement of authorization and for reinstatement of authorization with temporary authorization shall be upon such form and contain such information as the board may require and shall be accompanied by a fee to assist in defraying the expenses in connection with the administration of the provisions of this act. The fee shall be fixed by rules and regulations adopted by the board in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto. There shall be no fee assessed for the initial, renewal or reinstatement of the advanced practice registered nurse practitioner certificate license as long as the registered nurse anesthetist maintains authorization. The executive administrator of the board shall remit all moneys received to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.
- Sec. 49. On January 1, 2012, K.S.A. 65-1163 is hereby amended to read as follows: 65-1163. Nothing in this act shall:
- (a) Prohibit administration of a drug by a duly licensed professional nurse, licensed practical nurse or other duly authorized person for the alleviation of pain, including administration of local anesthetics;
- (b) apply to the practice of anesthesia by a person licensed to practice medicine and surgery, a licensed dentist or a licensed podiatrist;
- (c) prohibit the practice of nurse anesthesia by students enrolled in approved courses of study in the administration of anesthesia or analgesic as a part of such course of study;
- (d) apply to the administration of a pudendal block by a person who holds a valid eertificate of qualification license as an advanced practice registered nurse practitioner in the eategory role of nurse-midwife;
- (e) apply to the administration by a licensed professional nurse of an anesthetic, other than general anesthesia, for a dental operation under the direct supervision of a licensed dentist or for a dental operation under the direct supervision of a person licensed to practice medicine and surgery;
- (f) prohibit the practice by any registered nurse anesthetist who is employed by the United States government or in any bureau, division or agency thereof, while in the discharge of official duties; or
- (g) prohibit a registered professional nurse from administering general anesthetic agents to a patient on ventilator maintenance in critical care units when under the direction of a person licensed to practice medicine and surgery or a person licensed to practice dentistry.
- Sec. 50. On January 1, 2012, K.S.A. 2010 Supp. 8-1,125 is hereby amended to read as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person is a person with a disability or is responsible for the transportation of a person with a disability shall be issued a special license plate or a permanent placard for any motor vehicle owned by such person or shall be issued a temporary placard. Satisfactory proof of

disability, condition or impairment shall include a statement from a person licensed to practice the healing arts in any state, a licensed optometrist, an advanced practice registered nurse practitioner registered licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a Christian Science practitioner listed in The Christian Science Journal certifying that such person is a person with a disability. The placard shall be suspended immediately below the rear view mirror of any motor vehicle used for the transportation of a person with a disability so as to be maximally visible from outside the vehicle. In addition to the special license plate or permanent placard, the director of vehicles shall issue to the person with a disability an individual identification card which must be carried by the person with a disability when the motor vehicle being operated by or used for the transportation of such person is parked in accordance with the provisions of K.S.A. 8-1,126, and amendments thereto. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. A person submitting satisfactory proof that such person's disability, condition or impairment is permanent in nature, and upon such person's request and payment of the fees prescribed in subsection (b), shall be issued a permanent placard or a permanent placard and a special license plate and an individual identification card. Upon proper request, one additional permanent placard shall be issued to the applicant who has not requested and received a special license plate. Upon proper request, one additional temporary placard shall be issued to the applicant certified as temporarily disabled. Temporary placards shall have an expiration date of not longer than six months from the date of issuance. The special license plates and placards shall display the international symbol of access to the physically disabled.

- (b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee. No person shall be issued more than one special license plate, except that agencies or businesses which provide transportation for persons with a disability as a service, may obtain additional special license plates for vehicles which are utilized in the provision of that service. Special license plates may be personalized license plates subject to the provisions of K.S.A. 8-132, and amendments thereto, including the payment of the additional fee.
- (c) Except as otherwise provided in this section, placards and individual identification cards issued pursuant to this section shall be issued for such period of time as the person to whom issued continues to be a person with a disability or a person responsible for the transportation of a person with a disability, except that the secretary of revenue shall make a determination of continued eligibility for a special license plate or placard at least every three years from the original date of issuance of such license plate and placard.
- (d) On and after July 1, 1992, The color of the permanent placard shall be white on a blue background and the temporary placard shall be white on a red background.

- (e) In addition to such other information contained on <u>individual</u> identification cards, cards issued or reissued on and after July 1, 2000, shall have the date of birth and the sex of the person to whom the card is issued.
- (f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person with a disability. Temporary placards shall be returned to the department of revenue upon the expiration of the placard or upon the death of the person with a disability. Special license plates shall be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates shall be returned to the department of revenue upon the death of the person with a disability.
- (g) Violation of subsection (f) is an unclassified misdemeanor punishable by a fine of not more than \$50.
- Sec. 51. On January 1, 2012, K.S.A. 2010 Supp. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the Kansas medicaid program.
- (b) Except as provided in subsection (i), the board shall consist of at least seven members appointed as follows:
- (1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of four nominees;
- (2) one licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the Kansas health policy authority from a list of four nominees;
- (3) two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the Kansas health policy authority from a list of four nominees;
- (4) one person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the Kansas health policy authority from a list of four nominees provided by the university of Kansas:
- (5) one licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the Kansas health policy authority from a list of four nominees.
- (c) The Kansas health policy authority may add two additional members so long as no class of professional representatives exceeds 51% of the membership.
- (d) The physician and pharmacist members shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.
- (e) The appointments to the board shall be for terms of three years. In making the appointments, the Kansas health policy authority shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.
- (f) The board shall elect a chairperson from among board members who shall serve a one-year term. The chairperson may serve consecutive terms.

- (g) The board, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.
- (h) All actions of the medicaid drug utilization review board shall be upon the affirmative vote of five members of the board and the vote of each member present when action was taken shall be recorded by roll call vote.
- (i) Upon the expiration of the term of office of any member of the medicaid drug utilization review board on or after the effective date of this act and in any case of a vacancy existing in the membership position of any member of the medicaid drug utilization review board on or after the effective date of this act, a successor shall be appointed by the Kansas health policy authority so that as the terms of members expire, or vacancies occur, members are appointed and the composition of the board is changed in accordance with the following and such appointment shall be made by the Kansas health policy authority in the following order of priority:
- (1) One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a hospital and who is nominated by the Kansas hospital association and appointed by the Kansas health policy authority from a list of two or more nominees;
- (2) one member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees:
- (3) one member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;
- (4) one member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan and who is nominated by the Kansas psychiatric society and appointed by the Kansas health policy authority from a list of two or more nominees:
- (5) one member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;
- (6) one member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the Kansas health policy authority from a list of two or more nominees:
- (7) one member shall be a licensed pharmacist who is actively engaged in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees;

- (8) one member shall be a licensed pharmacist who is actively engaged in or who has experience in research pharmacy and who is nominated jointly by the Kansas task force for the pharmaceutical research and manufacturers association and the university of Kansas and appointed by the Kansas health policy authority from a list of two or more jointly nominated persons; and
- (9) one member shall be a licensed advanced <u>practice</u> registered nurse <u>practitioner</u> or physician assistant actively engaged in the practice of providing the health care and treatment services such person is licensed to perform, who has practice experience with the state medicaid plan and who is nominated jointly by the Kansas state nurses' association and the Kansas academy of physician assistants and appointed by the Kansas health policy authority from a list of two or more jointly nominated persons.
- Sec. 52. On January 1, 2012, K.S.A. 2010 Supp. 40-2,111 is hereby amended to read as follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amendments thereto: (a) "Adverse underwriting decision" means: Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten:
 - (1) A declination of insurance coverage;
 - (2) a termination of insurance coverage:
- (3) an offer to insure at higher than standard rates, with respect to life, health or disability insurance coverage; or
- (4) the charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished, with respect to property or casualty insurance coverage.
- (b) "Declination of insurance coverage" means a denial, in whole or in part, by an insurance company or agent of requested insurance coverage.
- (c) "Health care institution" means any medical care facility, adult care home, drug abuse and alcoholic treatment facility, home-health agency certified for federal reimbursement, mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, kidney disease treatment center, county, city-county or multicounty health departments and health-maintenance organization.
- (d) "Health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, <u>licensed</u> advanced <u>practice</u> registered nurse <u>practitioner</u>, licensed optometrist, licensed physical therapist, licensed social worker, licensed physician assistant, licensed podiatrist or licensed psychologist.
- (e) "Institutional source" means any natural person, corporation, association, partnership or governmental or other legal entity that provides information about an individual to an agent or insurance company, other than:
 - (1) An agent:
 - (2) the individual who is the subject of the information; or
- (3) a natural person acting in a personal capacity rather than a business or professional capacity.
- (f) "Insurance transaction" means any transaction involving insurance, but not including group insurance coverage, primarily for personal, family or household needs rather than business or professional needs.

- (g) "Medical-record information" means personal information which:
- (1) Relates to an individual's physical or mental condition, medical history or medical treatment; and
- (2) is obtained from a health care provider or health care institution, from the individual, or from the individual's spouse, parent or legal guardian.
- (h) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:
 - (1) The failure to pay a premium as required by the policy; or
 - (2) at the request or direction of the insured.
- Sec. 53. On January 1, 2012, K.S.A. 40-2250 is hereby amended to read as follows: 40-2250. (a) Notwithstanding any provision of an individual or group policy or contract for health and accident insurance delivered within the state, whenever such policy or contract shall provide for reimbursement for any services within the lawful scope of practice of an a licensed advanced practice registered nurse practitioner within the state of Kansas, the insured, or any other person covered by the policy or contract, shall be allowed and entitled to reimbursement for such service irrespective of whether it was provided or performed by a duly licensed physician or an a licensed advanced practice registered nurse, practitioner.
- (b) Notwithstanding the provisions of subsection (a), reimbursement shall bemandated with respect to services performed by an advanced registered nursepractitioner in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandottecounties
 - (e) The provisions of subsection (b) shall expire on July 1, 1998.
- Sec. 54. On January 1, 2012, K.S.A. 2010 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and amendments thereto:
- (a) "Health care provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.
- (b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.
- (c) "Mid-level practitioner" means a physician assistant or advanced <u>practice</u> registered nurse practitioner who has entered into a written protocol with a rural health network physician.
 - (d) "Physician" means a person licensed to practice medicine and surgery.
- (e) "Rural health network" means an alliance of members including at least one critical access hospital and at least one other hospital which has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk

management, quality assurance and peer review.

- "Critical access hospital" means a member of a rural health network which makes available twenty-four hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse practitioner or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit will count toward the 25-bed limit, nor will these units be subject to the average 96-hour length of stay restriction.
- (g) "Hospital" means a hospital other than a critical access hospital which has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.
- Sec. 55. On January 1, 2012, K.S.A. 2010 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:
- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:
 - (1) A practitioner or pursuant to the lawful direction of a practitioner:
- (2) the patient or research subject at the direction and in the presence of the practitioner; or
 - (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto.
- (b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.
- (c) "Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

- (d) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.
- (e) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name than as the brand name drug product prescribed.
- (f) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.
- (g) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that aet acts as a central warehouse and perform performs intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.
- (h) "Co-licensee" means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer.
- (i) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.
- (j) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.
- (k) "Dispense" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.
- (l) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication.
- (m) "Distribute" means to deliver, other than by administering or dispensing, any drug.
 - (n) "Distributor" means a person who distributes a drug.
- (o) "Drop shipment" means the sale, by a manufacturer, that manufacturer's colicensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of the manufacturer's prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel.":

- (p) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated prior to its repeal.
- (q) "Durable medical equipment" means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in rules and regulations adopted by the board.
- (r) "Exclusive distributor" means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.
- (s) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.
- (t) "Generic name" means the established chemical name or official name of a drug or drug product.
- (u) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:
 - (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
- (C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;
 - (D) employees of a business or other employer; or
 - (E) persons receiving inpatient hospice services.
 - (2) "Institutional drug room" does not include:
 - (A) Any registered pharmacy;
 - (B) any office of a practitioner; or

- (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.
- (v) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.
- (w) "Medical care facility" shall have the meaning provided in K.S.A. 65-425, and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, except community mental health centers and facilities for the mentally retarded.
- (x) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:
- (1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;
- (2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or
- (3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.
- (y) "Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.
- (z) "Normal distribution channel" means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer's co-licensed partner, from that manufacturer to that manufacturer's third-party logistics provider, or from that manufacturer to that manufacturer's exclusive distributor, directly or by drop shipment, to:
- (1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;
- (2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;
- (3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or
- (4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.
- (aa) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.
 - (bb) "Pharmacist" means any natural person licensed under this act to practice

pharmacy.

- (cc) "Pharmacist in charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.
- (dd) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.
- (ee) "Pharmacy student" means an individual, registered with the board of pharmacy, enrolled in an accredited school of pharmacy.
- (ff) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.
- (gg) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as atherapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.
- (hh) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.
- (ii) "Prescription" means, according to the context, either a prescription order or a prescription medication.
- (jj) "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.
- (kk) "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 United States Code section 353 U.S.C. § 353, as amended), to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.
- (ll) "Prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or (2) an order transmitted to a

pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

- (mm) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.
 - (nn) "Professional incompetency" means:
- (1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board:
- (2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or
- (3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.
- (oo) "Retail dealer" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.
 - (pp) "Secretary" means the executive secretary of the board.
- (qq) "Third party logistics provider" means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.
 - (rr) "Unprofessional conduct" means:
 - (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
 - (4) intentionally falsifying or altering records or prescriptions;
 - (5) unlawful possession of drugs and unlawful diversion of drugs to others;
- (6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto:
 - (7) conduct likely to deceive, defraud or harm the public;
- (8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;
- (9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or
- (10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

- (ss) "Mid-level practitioner" means an advanced <u>practice</u> registered nurse <u>practitioner</u> issued a <u>certificate of qualification license</u> pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.
- (tt) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.
- (uu) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a non-human nonhuman.
- (vv) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, colicensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.
- (ww) "Wholesale distribution" means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include: (1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons; (3) intracompany transactions, as defined in this section, unless in violation of own use provisions; (4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control; (5) the sale, purchase or trade of a prescription drug or device or the offer to sell, purchase or trade a prescription drug or device by a charitable organization described in 503 (c)(3) 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law; (6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations; (7) the transfer of prescription drugs or devices

between pharmacies pursuant to a centralized prescription processing agreement; (8) the sale, purchase or trade of blood and blood components intended for transfusion; (9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board's rules and regulations; (10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations; (11) the distribution of drug samples by manufacturers' and authorized distributors' representatives; (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or (13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board's rules and regulations.

- Sec. 56. On and after January 1, 2012, K.S.A. 2010 Supp. 65-2921 is hereby amended to read as follows: 65-2921. (a) Except as otherwise provided in subsection (b), (c) or (d), a physical therapist may evaluate patients without physician referral but may initiate treatment only after approval by a licensed physician, a licensed podiatrist, a licensed physician assistant or an a licensed advanced practice registered nurse practitioner working pursuant to the order or direction of a licensed physician, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases. Physical therapists may initiate physical therapy treatment with the approval of a practitioner of the healing arts duly licensed under the laws of another state and may provide such treatment based upon an order by such practitioner in any setting in which physical therapists would be authorized to provide such treatment with the approval of a physician licensed by the board, notwithstanding any provisions of the Kansas healing arts act or any rules and regulations adopted by the board thereunder.
- (b) Physical therapists may evaluate and treat a patient for no more than 30 consecutive calendar days without a referral under the following conditions: (1) The patient has previously been referred to a physical therapist for physical therapy services by a person authorized by this section to approve treatment; (2) the patient's referral for physical therapy was made within one year from the date a physical therapist implements a program of physical therapy treatment without a referral; (3) the physical therapy being provided to the patient without referral is for the same injury, disease or condition as indicated in the referral for such previous injury, disease or condition; and (4) the physical therapist transmits to the physician or other practitioner identified by the patient a copy of the initial evaluation no later than five business days after treatment commences. Treatment of such patient for more than 30 consecutive calendar days of such patient shall only be upon the approval of a person authorized by this section to approve treatment.
- (c) Physical therapists may provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury to: (1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.
- (d) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

- Sec. 57. On January 1, 2012, K.S.A. 2010 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or
- (2) the patient or research subject at the direction and in the presence of the practitioner.
- (b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.
 - (c) "Board" means the state board of pharmacy.
- (d) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.
- (e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections thereto.
- (f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.
- (g) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.
- (h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.
 - (i) "Dispenser" means a practitioner or pharmacist who dispenses.
- (j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.
 - (k) "Distributor" means a person who distributes.
- (1) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.
- (m) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

- (n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
- (2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.
- (o) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.
- (p) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;
- (2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium:
 - (3) opium poppy and poppy straw;
- (4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
- (q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.
- (r) "Opium poppy" means the plant of the species *Papaver somniferum l.* except its seeds.
- (s) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

- (t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- (u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.
- (v) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.
- (w) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.
- (x) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.
 - (v) "Isomer" means all enantiomers and diastereomers.
- (z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.
- (aa) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.
- (bb) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:
- (A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;
- (B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or
- (C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.
 - (2) "Controlled substance analog" does not include:
 - (A) A controlled substance:
 - (B) a substance for which there is an approved new drug application; or
- (C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption.
- (cc) "Mid-level practitioner" means an advanced <u>practice</u> registered nurse <u>practitioner</u> issued a <u>certificate of qualification license</u> pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician

under K.S.A. 65-28a08, and amendments thereto.

- Sec. 58. On January 1, 2012, K.S.A. 2010 Supp. 65-5402 is hereby amended to read as follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:
 - (a) "Board" means the state board of healing arts.
- (b) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat, pursuant to the referral, supervision, order or direction of a physician, a licensed podiatrist, a licensed dentist, a licensed physician assistant, or an a licensed advanced practice registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor, or a licensed optometrist, individuals who have a disease or disorder, impairment, activity limitation or participation restriction that interferes with their ability to function independently in daily life roles and to promote health and wellness. Occupational therapy intervention may include:
- (1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological cognitive processes;
- (2) adaptation of tasks, process, or the environment or the teaching of compensatory techniques in order to enhance performance;
- (3) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and
 - (4) health promotion strategies and practices that enhance performance abilities.
 - (c) "Occupational therapy services" include, but are not limited to:
- (1) Evaluating, developing, improving, sustaining, or restoring skills in activities of daily living (ADL), work or productive activities, including instrumental activities of daily living (IADL) and play and leisure activities;
- (2) evaluating, developing, remediating, or restoring sensorimotor, cognitive or psychosocial components of performance;
- (3) designing, fabricating, applying, or training in the use of assistive technology or orthotic devices and training in the use of prosthetic devices;
- (4) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;
- (5) applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;
- (6) evaluating and providing intervention in collaboration with the client, family, caregiver or others:
- (7) educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions: and
- (8) consulting with groups, programs, organizations or communities to provide population-based services.
- (d) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act.
- (e) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.

- (f) "Person" means any individual, partnership, unincorporated organization or corporation.
 - (g) "Physician" means a person licensed to practice medicine and surgery.
- (h) "Occupational therapy aide," "occupational therapy tech" or "occupational therapy paraprofessional" means a person who provides supportive services to occupational therapists and occupational therapy assistants in accordance with K.S.A. 65-5419, and amendments thereto.
- Sec. 59. On January 1, 2012, K.S.A. 2010 Supp. 65-6112, as amended by section 82 of this act, is hereby amended to read as follows: 65-6112. As used in this act:
- (a) "Administrator" means the executive director of the emergency medical services board.
- (b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.
- (c) "Advanced <u>practice</u> registered nurse <u>practitioner</u>" means an advanced <u>practice</u> registered nurse <u>practitioner</u> as defined in K.S.A. 65-1113, and amendments thereto.
- (d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.
- (e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.
- (f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.
- (g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.
- (h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced <u>practice</u> registered nurse <u>practitioner</u>, professional nurse, a licensed physician assistant or attendant.
- (i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.
- (j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.
- (k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.
- (l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.
- (m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.
- (n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.
 - (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments

thereto.

- (p) "Instructor-coordinator" means a person who is certified under this act to teach initial certification and continuing education classes.
 - (q) "Medical director" means a physician.
- (r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced <u>practice</u> registered nurse <u>practitioner</u> authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.
- (s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.
- (t) "Municipality" means any city, county, township, fire district or ambulance service district.
- (u) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.
- (v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.
- (w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.
- (x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.
- (y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.
- (z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.
- (aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.
- (bb) "Provider of training" means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.
- (cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.
- (dd) "Training officer" means a person who is certified pursuant to this act to teach, coordinate or both, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.
- Sec. 60. On January 1, 2012, K.S.A. 2010 Supp. 65-6119 is hereby amended to read as follows: 65-6119. (a) Notwithstanding any other provision of law, mobile intensive care technicians may:

- (1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;
- (2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, an advanced <u>practice</u> registered nurse practitioner where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (a)(2);
- (3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting a person identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; and
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- (b) An individual who holds a valid certificate as a mobile intensive care technician once meeting the continuing education requirements prescribed by the rules and regulations of the board, upon application for renewal, shall be deemed to hold a certificate as a paramedic under this act, and such individual shall not be required to file an original application as a paramedic for certification under this act.
- (c) "Renewal" as used in subsection (b), refers to the first opportunity that a mobile intensive care technician has to apply for renewal of a certificate following the effective date of this act.
 - (d) Upon transition notwithstanding any other provision of law, a paramedic may:
- (1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto;
- (2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced <u>practice</u> registered nurse <u>practitioner</u> where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may administer such medications or procedures as may be deemed necessary by a person identified in subsection (d)(2);
- (3) perform, during an emergency, those activities specified in subsection (d)(2) before contacting a person identified in subsection (d)(2) when specifically authorized to perform such activities by medical protocols; and
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- Sec. 61. On January 1, 2012, K.S.A. 2010 Supp. 65-6120, as amended by section 83 of this act, is hereby amended to read as follows: 65-6120. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:
- (1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;
- (2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced <u>practice</u> registered nurse practitioner where authorized by a physician or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of

intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

- (3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- (b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.
- (c) "Renewal" as used in subsection (b), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate has to apply for renewal of a certificate.
- (d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.
- (e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.
- (f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:
- (1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and
- (2) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a

physician, an advanced <u>practice</u> registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) electrocardiogram interpretation; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

- (g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act
- (h) "Renewal" as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate.
- (i) An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.
- (j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.

- Sec. 62. On January 1, 2012, K.S.A. 2010 Supp. 65-6121, as amended by section 84 of this act, is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:
 - (1) Patient assessment and vital signs;
 - (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
 - (3) Oxygen therapy;
 - (4) oropharyngeal suctioning;
 - (5) cardiopulmonary resuscitation procedures;
 - (6) control accessible bleeding;
 - (7) apply pneumatic anti-shock garment;
 - (8) manage outpatient medical emergencies;
 - (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
 - (11) use of backboards to immobilize the spine;
 - (12) administer activated charcoal and glucose;
- (13) monitor intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:
 - (A) The physician approves the transfer by an emergency medical technician;
 - (B) no medications or nutrients have been added to the intravenous fluids; and
- (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
 - (14) use automated external defibrillators:
 - (15) administer epinephrine auto-injectors provided that:
- (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine;
- (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols;
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
- (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an emergency medical technician under this act, provided such individual has completed all continuing education hour

requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an emergency medical technician.

- "Renewal" as used in subsection (b), refers to the first opportunity after December 31, 2011, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.
- (d) Emergency medical technicians who fail to meet the transition requirements as specified may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.
- (e) Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification
- (f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144. and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:
 - (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board:
 - (B) multilumen airways;
 - (C) ventilator devices;
 - forceps removal of airway obstruction: (D) CO2 monitoring:
 - (E)
 - (F) airway suctioning;
 - (2) apply pneumatic anti-shock garment;
 - assist with childbirth; (3)
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling:
 - (6) cardiac monitoring:
 - (7) administration of patient assisted medications as approved by the board;
- administration of medications as approved by the board by appropriate routes; (8) and
- (9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.
- Sec. 63. On January 1, 2012, K.S.A. 2010 Supp. 65-6123, as amended by section 85 of this act, is hereby amended to read as follows: 65-6123. (a) Notwithstanding any

other provision of law to the contrary, an emergency medical technician-defibrillator may:

- (1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto:
- (2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced <u>practice</u> registered nurse <u>practitioner</u> where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;
- (3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- (b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician.
- (c) "Renewal" as used in subsection (b), refers to the second opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.
- (d) Emergency medical technician-defibrillator attendants who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has_completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.
- (e) Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.
 - Sec. 64. On January 1, 2012, K.S.A. 2010 Supp. 65-6124, as amended by section

- 86 of this act, is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced <u>practice</u> registered nurse <u>practitioner</u> or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.
- (b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced <u>practice</u> registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.
- (d) No medical adviser who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.
- Sec. 65. On January 1, 2012, K.S.A. 2010 Supp. 65-6129c is hereby amended to read as follows: 65-6129c. (a) Application for a training officer's certificate shall be made to the emergency medical services board upon forms provided by the administrator. The board may grant a training officer's certificate to an applicant who: (1) Is an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced practice registered nurse practitioner or professional nurse; (2) successfully completes an initial course of training approved by the board; (3) passes an examination prescribed by the board; (4) is appointed by a provider of training approved by the board; and (5) has paid a fee established by the board.
- (b) A training officer's certificate shall expire on the expiration date of the attendant's certificate if the training officer is an attendant or on the expiration date of the physician's, physician assistant's, advanced <u>practice</u> registered <u>nurse</u> practitioner's <u>nurse's</u> or professional nurse's license if the training officer is a physician, physician assistant, advanced <u>practice</u> registered nurse <u>practitioner</u> or professional nurse. A training officer's certificate may be renewed for the same period as the attendant's certificate or the physician's, physician assistant's, advanced <u>practice</u> registered <u>nurse</u> practitioner's <u>nurse's</u> or professional nurse's license upon payment of a fee as prescribed by rules and regulations and upon presentation of satisfactory proof that the training officer has successfully completed continuing education prescribed by the board and is certified as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician, paramedic, physician, physician assistant, advanced <u>practice</u> registered nurse <u>practitioner</u> or professional nurse. The

board may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

- (c) A training officer's certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate if such individual:
- (1) Fails to maintain certification or licensure as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced <u>practice</u> registered nurse practitioner or professional nurse:
 - (2) fails to maintain support of appointment by a provider of training;
 - (3) fails to successfully complete continuing education;
- (4) has made intentional misrepresentations in obtaining a certificate or renewing a certificate:
- (5) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board;
- (6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated by the board; or
- (7) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of a training officer or any crime punishable as a felony under any state or federal statute and the board determines that such individual has not been sufficiently rehabilitated to warrant public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.
- (d) The board may revoke, limit, modify or suspend a certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.
- (e) If a person who previously was certified as a training officer applies for a training officer's certificate within two years of the date of its expiration, the board may grant a certificate without the person completing an initial course of training or taking an examination if the person complies with the other provisions of subsection (a) and completes continuing education requirements.
- Sec. 66. On January 1, 2012, K.S.A. 2010 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.
- (b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an attendant certified as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, a mobile intensive care technician, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, a paramedic, a physician, a licensed physician assistant, an a licensed advanced practice registered nurse practitioner or a professional nurse.
- Sec. 67. On January 1, 2012, K.S.A. 2010 Supp. 65-6144, as amended by section 91 of this act, is hereby amended to read as follows: 65-6144. (a) A first responder may

perform any of the following activities:

- (1) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;
 - (2) cardiopulmonary resuscitation and airway management;
 - (3) control of bleeding;
 - (4) extremity splinting excluding traction splinting;
 - (5) stabilization of the condition of the individual in need of emergency care;
 - (6) oxygen therapy;
 - (7) use of oropharyngeal airways;
 - (8) use of bag valve masks;
 - (9) use automated external defibrillators; and
- (10) other techniques of preliminary care a first responder is trained to provide as approved by the board.
- (b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder.
- (c) "Renewal" as used in subsection (b), refers to the first opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.
- (d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.
- (e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy: (9) use of bag-valve-mask: (10) use of automated external defibrillator: (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.
- Sec. 68. On January 1, 2012, K.S.A. 2010 Supp. 72-5213 is hereby amended to read as follows: 72-5213. (a) Every board of education shall require all employees of

the school district, who come in regular contact with the pupils of the school district, to submit a certification of health on a form prescribed by the secretary of health and environment and signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a license ertificate of qualification to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such employee of the school district is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health.

- (b) Upon presentation of a signed statement by the employee of a school district, to whom the provisions of subsection (a) apply, that the employee is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, the employee shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a eertificate of qualification license to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of the employee from tuberculosis has been established.
- (c) Every board of education may require persons, other than employees of the school district, to submit to the same certification of health requirements as are imposed upon employees of the school district under the provisions of subsection (a) if such persons perform or provide services to or for a school district which require such persons to come in regular contact with the pupils of the school district. No such person shall be required to submit a certification of health if the person presents a signed statement that the person is an adherent of a religious denomination whose religious teachings are opposed to physical examinations. Such persons shall be permitted to submit, as an alternative to a certification of health, certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a eertificate of qualification license to practice as an advanced practice registered nurse practitioner under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of such persons from tuberculosis has been established.
- (d) The expense of obtaining certifications of health and certifications of freedom from tuberculosis may be borne by the board of education.

- Sec. 69. On January 1, 2012, K.S.A. 2010 Supp. 72-8252 is hereby amended to read as follows: 72-8252. (a) As used in this section:
- (1) "Medication" means a medicine prescribed by a health care provider for the treatment of anaphylaxis or asthma including, but not limited to, any medicine defined in section 201 of the federal food, drug and cosmetic act, inhaled bronchodilators and auto-injectible epinephrine.
- (2) "Health care provider" means: (A) A physician licensed to practice medicine and surgery; (B) an advanced <u>practice</u> registered nurse <u>practitioner</u> issued a <u>eertificate</u> of <u>qualification</u> <u>license</u> pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or
- (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.
 - (3) "School" means any public or accredited nonpublic school.
- (4) "Self-administration" means a student's discretionary use of such student's medication pursuant to a prescription or written direction from a health care provider.
- (b) Each school district shall adopt a policy authorizing the self-administration of medication by students enrolled in kindergarten or any of the grades 1 through 12. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy shall include:
- (1) A requirement of a written statement from the student's health care provider stating the name and purpose of the medication; the prescribed dosage; the time the medication is to be regularly administered, and any additional special circumstances under which the medication is to be administered; and the length of time for which the medication is prescribed;
- (2) a requirement that the student has demonstrated to the health care provider or such provider's designee and the school nurse or such nurse's designee the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed. If there is no school nurse, the school shall designate a person for the purposes of this subsection;
- (3) a requirement that the health care provider has prepared a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours;
- (4) a requirement that the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan prepared as required by paragraph (3) and documents related to liability;
- (5) a requirement that all teachers responsible for the student's supervision shall be notified that permission to carry medications and self-medicate has been granted; and
- (6) any other requirement imposed by the school district pursuant to this section and subsection (e) of K.S.A. 72-8205, and amendments thereto.
- (c) A school district shall require annual renewal of parental authorization for the self-administration of medication.
- (d) A school district, and its officers, employees and agents, which authorizes the self-administration of medication in compliance with the provisions of this section shall not be held liable in any action for damage, injury or death resulting directly or indirectly from the self-administration of medication.

- (e) A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for damage, injury or death resulting directly or indirectly from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school district and its officers, employees or agents incur no liability for damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and hold the school and its officers, employees and agents, harmless from and against any claims relating to the self-administration of such medication.
- (f) A school district shall require that any back-up medication provided by the student's parent or guardian be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.
- (g) A school district shall require that information described in paragraphs (3) and (4) of subsection (b) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.
- (h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student's medication at any place where a student is subject to the jurisdiction or supervision of the school district or its officers, employees or agents.
- (i) A board of education may adopt a policy pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, which:
- (1) Imposes requirements relating to the self-administration of medication which are in addition to those required by this section; and
- (2) establishes a procedure for, and the conditions under which, the authorization for the self-administration of medication may be revoked.
- Sec. 70. On January 1, 2012, K.S.A. 2010 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.
- (2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.
- (3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list, with the first appointment being for a term of four years and the second appointment being for a term of two years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four years and until a successor is appointed and qualified.
- (4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.
- (5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the

preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board. With the expiration of terms for the registered professional nurse from education and one public member in July, 2003, the next appointments for those two positions will be for only one year. Thereafter the two positions shall be appointed for terms of four years.

- (b) Oualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse practitioner or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state
- (c) Duties and powers. (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.
- (2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.
- (3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.
- (4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter

provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

- (5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.
 - (6) The board may enter into contracts as may be necessary to carry out its duties.
- (7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.
- (8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.
- (d) Subpoenas. In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.
- (e) Compensation and expenses. Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.

- Sec. 71. On January 1, 2012, K.S.A. 74-32,131 is hereby amended to read as follows: 74-32,131. This act shall be known and may be cited as the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program.
- Sec. 72. On January 1, 2012, K.S.A. 74-32,132 is hereby amended to read as follows: 74-32,132. As used in this act:
- (a) "Committee" means the nursing service scholarship review committee established under K.S.A. 74-3299, and amendments thereto.
- (b) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.
- (c) "Educational and training program for advanced <u>practice</u> registered <u>nurse-practitioners nurses</u>" means a post-basic nursing education program a graduate of which meets the education requirements of the board of nursing for <u>a certificate of qualification licensure</u> as an advanced <u>practice</u> registered nurse-<u>practitioner</u>.
- (d) "Medically underserved area" means a practice location designated medically underserved by the secretary of health and environment.
- (e) "Rural area" means any county of this state other than Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties.
- Sec. 73. On January 1, 2012, K.S.A. 74-32,133 is hereby amended to read as follows: 74-32,133. (a) There is hereby established the advanced <u>practice_registered</u> nurse <u>practitioner</u> service scholarship program. Within the limits of appropriations therefor, a scholarship may be awarded under the program to any qualified student enrolled in or admitted to an educational and training program for advanced <u>practice_registered_nurse_practitioners_nurses</u>. The number of scholarships awarded under the program in any year shall not exceed 12.
- (b) The determination of the individuals qualified for scholarships shall be made by the executive officer after seeking advice from the committee. Scholarships shall be awarded on a priority basis to qualified applicants in the advanced <u>practice_registered</u> nurse <u>practitioner_categories_roles_of</u> nurse clinician or <u>advanced practice_registered</u> nurse <u>practitioner</u> or clinical specialist who have the greatest financial need for such scholarships and who are residents of this state. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.
- (c) Scholarships awarded under the program shall be awarded for the length of the course of instruction required for graduation as an advanced <u>practice</u> registered nurse <u>practitioner</u> unless terminated before expiration of such period of time. Such scholarships shall provide (1) to a student enrolled in or admitted to an educational and training program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> operated by a state educational institution the payment of an amount not to exceed 70% of the cost of attendance for a year, and (2) to a student enrolled in or admitted to an educational and training program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> operated by an independent institution of higher education the payment of an amount not to exceed 70% of the average amount of the cost of attendance for a year in educational and training programs for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> operated by the state educational institutions. The amount of each scholarship shall be established annually by the executive officer and shall be financed by the state of Kansas.

- Sec.74. On January 1, 2012, K.S.A. 74-32,134 is hereby amended to read as follows: 74-32,134. (a) An applicant for a scholarship under the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, the following information:
 - (1) The name and address of the applicant;
- (2) the name and address of the educational and training program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u> in which the applicant is enrolled or to which the applicant has been admitted; and
 - (3) any additional information which may be required by the executive officer.
- (b) As a condition to awarding a scholarship under this act, the executive officer and the applicant for a scholarship shall enter into an agreement which shall require that the scholarship recipient:
- (1) Engage as a full-time student in and complete the required course of instruction leading to the <u>eertificate of qualification licensure</u> as an advanced <u>practice_registered</u> nurse <u>practitioner</u>;
- (2) within six months after graduation from the educational and training program for advanced <u>practice</u> registered <u>nurse practitioners nurses</u>, commence full-time practice as an advanced <u>practice</u> registered nurse <u>practitioner</u>, or commence the equivalent to full-time practice, or commence part-time practice as an advanced <u>practice</u> registered nurse <u>practitioner</u>, in a rural area or a medically underserved area, continue such practice for the total amount of time required under the agreement, and comply with such other terms and conditions as may be specified by the agreement;
- (3) commence full-time practice, or the equivalent to full-time practice, as an advanced <u>practice</u> registered nurse <u>practitioner</u> in a rural area or medically underserved area and continue such full-time practice, or the equivalent to full-time practice, in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which the scholarship assistance was provided, or commence part-time practice in a rural area or medically underserved area and continue such part-time practice in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of time that is equivalent to full time, as determined by the state board of regents, multiplied by the length of the course of instruction for which the scholarship assistance was provided:
- (4) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligation under this act; and
- (5) upon failure to satisfy an agreement to engage in full-time practice as an advanced <u>practice</u> registered nurse practitioner, or the equivalent to full-time practice, or in part-time practice, in a rural area or medically underserved area for the required period of time under any such agreement, repay to the state amounts as provided in K.S.A. 74-32,135, and amendments thereto.
- Sec. 75. On January 1, 2012, K.S.A. 74-32,135 is hereby amended to read as follows: 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to this act, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement which is financed by the state of Kansas plus accrued interest at a rate which

is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program fund in accordance with K.S.A. 74-32.138, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

Sec. 76. On January 1, 2012, K.S.A. 74-32,136 is hereby amended to read as follows: 74-32,136. (a) An obligation under any agreement entered into under the advanced practice registered nurse practitioner service scholarship program shall be postponed: (1) During any required period of active military service: (2) during any period of service in the peace corps: (3) during any period of service as a part of volunteers in service to America (VISTA); (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) during any period of time the person obligated is unable because of temporary medical disability to practice as an advanced practice registered nurse practitioner; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a graduate degree in a field for which such person was awarded a scholarship under this act which degree is higher than that formerly attained: (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to practice as an advanced practice registered nurse practitioner. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the advanced practice registered nurse practitioner service scholarship program shall not be postponed more than five years from the time the obligation was to have been commenced under any such agreement. An obligation under any agreement as provided in the advanced practice registered nurse practitioner service scholarship program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation to engage in practice as an advanced practice registered nurse practitioner in accordance with an agreement under the advanced practice registered nurse practitioner service scholarship program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation to engage in practice as an advanced practice registered nurse practitioner in accordance with an agreement under the advanced <u>practice</u> registered nurse practitioner service scholarship program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt

rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to practice as an advanced <u>practice</u> registered nurse <u>practitioner</u>, and shall determine the documentation required to prove the existence of such circumstances.

- (b) An obligation under any agreement entered into in accordance with the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program shall be satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for completion of the educational and training program after making the best effort possible to do so; or (5) if the person obligated is unable to obtain employment as an advanced <u>practice</u> registered nurse <u>practitioner</u> and continue in such employment after making the best effort possible to do so.
- Sec. 77. On January 1, 2012, K.S.A. 74-32,137 is hereby amended to read as follows: 74-32.137. The state board of regents, after consultation with the committee, may adopt rules and regulations establishing minimum terms, conditions and obligations which shall be incorporated into the provisions of any agreement under the advanced practice registered nurse practitioner service scholarship program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the advanced practice registered nurse practitioner service scholarship program. The terms. conditions and obligations so established shall include, but not be limited to, the terms of eligibility for financial assistance under the advanced practice registered nurse practitioner service scholarship program, the amount of financial assistance to be offered, the length of practice in a rural area or medically underserved area required as a condition to the receipt of such financial assistance to be offered, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment and such other additional provisions as may be necessary to carry out the provisions of the advanced practice registered nurse practitioner service scholarship program. The state board of regents, after consultation with the committee, shall adopt rules and regulations establishing criteria for evaluating the financial need of applicants for scholarships and may adopt such other rules and regulations as may be necessary to administer the advanced practice registered nurse practitioner service scholarship program.
- Sec. 78. On January 1, 2012, K.S.A. 74-32,138 is hereby amended to read as follows: 74-32,138. There is hereby created in the state treasury the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program fund. The executive officer shall remit all moneys received under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program fund. All expenditures from the advanced <u>practice</u> registered nurse <u>practitioner</u> service scholarship program fund shall be for scholarships awarded under this act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

- Sec. 79. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice. education, administration, research or theory development to the end of improving the health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.
- (b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.
- (c) Any person whose license as a registered professional nurse has lapsed for a period of more than 13 years beyond its expiration date and who has been employed for at least 10 of the last 13 years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person's work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional

- nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board. This subsection shall expire on January 1, 2012.
- (d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.
- (2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.
- Sec. 80. On July 1, 2011, K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.
- (b) The emergency medical services board shall be composed of <u>13.15</u> members to be appointed as follows:
 - (1) Nine-Eleven members shall be appointed by the governor. Of such members:
- (A) One-Three shall be a member of the Kansas medical society physicians who is are actively involved in emergency medical services;
- (B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
 - (C) one shall be an instructor-coordinator:
- (D) one shall be a hospital administrator actively involved in emergency medical services:
- (E) one shall be a member of a firefighting unit which provides emergency medical service; and
- (F) three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and
 - (2) four members shall be appointed as follows:
- (A) One shall be a member of the Kansas senate to be appointed by the president of the senate;
- (B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate
- (C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
- (D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.
- All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the

board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.

- (c) Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years and three for terms of four years. Of the two additional physician members appointed by the governor on and after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.
- (d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.
- (e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.
- Sec. 81. On July 1, 2011, K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants, instructor-coordinators and training officers; (4) requirements and fees for the licensure, temporary licensure, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, training officers, providers of training and attendants; and (6) requirements for a quality assurance and improvement program for ambulance services; and (7) such other matters as the board deems necessary to implement and administer the provisions of this act.
- (b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.
- (c) Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.
- Sec. 82. On July 1, 2011, K.S.A. 2010 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:
- (a) "Administrator" means the executive director of the emergency medical services board.

- (b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.
- (c) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.
- (d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.
- (e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.
- (f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.
- (g) "Board" means the emergency medical services board established pursuant to $K.S.A.\ 65-6102$, and amendments thereto.
- (h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.
- (i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.
- (j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.
- (k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.
- (l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.
- (m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.
- (n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.
- (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.
- (p) "Instructor-coordinator" means a person who is certified under this act to teach initial eourses of certification of instruction certification and continuing education classes
 - (q) "Medical adviser-director" means a physician.
- (r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or

available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

- (s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.
- (t) "Municipality" means any city, county, township, fire district or ambulance service district.
- (u) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.
- (v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.
- (w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.
- (x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.
- (y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.
- (z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.
- (aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.
- (bb) "Provider of training" means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.
- (cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.
- (dd) "Training officer" means a person who is certified pursuant to this act to teach, coordinate or both, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.
- Sec. 83. On July 1, 2011, K.S.A. 2010 Supp. 65-6120 is hereby amended to read as follows: 65-6120. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:
- (1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto:
- (2) when approved by medical protocols and or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol:
 - (3) perform, during an emergency, those activities specified in subsection (a)(2)

before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- (b) An individual who holds a valid certificate as an emergency medical technician-intermediate once <u>successfully</u> completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, <u>may apply to transition to become an advanced emergency medical technician</u>. Alternatively, upon application for renewal, <u>such individual</u> shall be deemed to hold a certificate as an advanced emergency medical technician under this act, <u>provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course</u> and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.
- (c) "Renewal" as used in subsection (b), refers to the <u>first or</u> second opportunity <u>after December 31, 2011</u>, that an emergency medical technician-intermediate has to apply for renewal of a certificate <u>following the effective date of this aet</u>.
- (d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technicianintermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.
- (e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.
- (e) (f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:
- (1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and
- (2) <u>perform</u> any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, <u>as specifically identified in rules and regulations</u>, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, <u>or</u> upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a

physician, an advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) medication administration via electrocardiogram interpretation; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

(f) (g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act

(g) (h) "Renewal" as used in subsection (f) (g), refers to the <u>first or</u> second opportunity <u>after December 31, 2011</u>, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate following the effective date of this act.

(h) (i) Emergency medical technician-intermediate and emergency medical technician-defibrillator who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

- (j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.
- Sec. 84. On July 1, 2011, K.S.A. 2010 Supp. 65-6121 is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:
 - (1) Patient assessment and vital signs;
 - (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
 - (3) Oxygen therapy;
 - (4) oropharyngeal suctioning;
 - (5) cardiopulmonary resuscitation procedures;
 - (6) control accessible bleeding;
 - (7) apply pneumatic anti-shock garment;
 - (8) manage outpatient medical emergencies;
 - (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
 - (11) use of backboards to immobilize the spine;
 - (12) administer activated charcoal and glucose;
- (13) monitor peripheral intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:
 - (A) The physician approves the transfer by an emergency medical technician:
 - (B) no medications or nutrients have been added to the intravenous fluids; and
- (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid:
 - (14) use automated external defibrillators:
 - (15) administer epinephrine auto-injectors provided that:
- (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine; and
- (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols:
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
- (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once <u>successfully</u> completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, <u>may apply to transition to become an emergency medical technician</u>. Alternatively, upon application for renewal, <u>such</u>

<u>individual</u> shall be deemed to hold a certificate as an emergency medical technician under this act, <u>provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course</u>, and such individual shall not be required to file an original application for certification as an emergency medical technician under this act.

- (c) "Renewal" as used in subsection (b)₅ refers to the first opportunity after December 31, 2011, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.
- (d) Emergency medical technicians who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical responder as defined by rules and regulations of the board. Failure to do so will result in loss of certification may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.
- (e) Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.
- (e) (f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:
 - (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) forceps removal of airway obstruction;
 - (E) CO2 monitoring;
 - (F) airway suctioning:
 - (2) apply pneumatic anti-shock garment;
 - (3) assist with childbirth;
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling;
 - (6) cardiac monitoring;
 - (7) administration of patient assisted medications as approved by the board;
- (8) administration of medications as approved by the board by appropriate routes; and

- (9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.
- Sec. 85. On July 1, 2011, K.S.A. 2010 Supp. 65-6123 is hereby amended to read as follows: 65-6123. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:
- (1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto:
- (2) when approved by medical protocols and—or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;
- (3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.
- (b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.
- (c) "Renewal" as used in subsection (b), refers to the second opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate following the effective date of this act.
- (d) EMT-D-Emergency medical technician-defibrillator attendants who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual

- shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.
- (e) Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.
- Sec. 86. On July 1, 2011, K.S.A. 2010 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced registered nurse practitioner or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.
- (b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.
- (c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.
- (d) No medical adviser director who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.
- Sec. 87. On July 1, 2011, K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical adviser—director appointed by the operator of the service to review; and implement medical protocols, approve and monitor the activities and education of the attendants. The board may approve an alternative procedure for medical oversight if no medical adviser-director is available.
- Sec. 88. On July 1, 2011, K.S.A. 2010 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant's certificate shall be made to the board. The board shall not grant an attendant's certificate unless the applicant meets the following requirements:
- (1) (A) Has successfully completed coursework required by the rules and regulations adopted by the board; or
- (B) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; and
- (2) (A) has passed the examination required by the rules and regulations adopted by the board; or
- (B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board-<u>; and</u>
 - (3) has paid an application fee required by the rules and regulations adopted by the

board.

- (b) (1) The board shall not grant a temporary attendant's certificate unless the applicant meets the following requirements:
- (A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or
- (B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.
- (2) An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician's assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.
- (c) The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.
- (d) An attendant's certificate shall expire on the date prescribed by the board. An attendant's certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant has successfully completed continuing education as prescribed by the board.
- (e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.
- (f) If a person who was previously certified as an attendant applies for an attendant's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.
- (g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.
- Sec. 89. On July 1, 2011, K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator's permit may be denied, revoked, limited, modified or suspended by the board upon proof that such operator or any agent or employee thereof:
- (1) Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;
- (2) has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;
- (3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has shown themselves otherwise unable to provide adequate ambulance

service;

- (4) has failed to keep and maintain the records required by the provisions of this act, or the rules and regulations promulgated thereunder adopted by the board, or has failed to make reports when and as required;
 - (5) has knowingly operated faulty or unsafe equipment; or
- (6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder, adopted by the board; or
- (7) has engaged in unprofessional conduct as defined by rules and regulations adopted by the board.
- (b) The board shall not limit, modify, revoke or suspend any operator's permit pursuant to this section without first conducting a hearing in accordance with the provisions of the administrative procedure act.
- Sec. 90. On July 1, 2011, K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant's or instructor-coordinator's or training officer's certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:
- (1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;
- (2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;
- (3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;
- (4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder adopted by the board;
- (5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust:
- (6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition: or
- (7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board-; or
- (8) has had a certificate, license or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.
- (b) The board may limit, modify, revoke or suspend an attendant's or instructor-coordinator's certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

- Sec. 91. On July 1, 2011, K.S.A. 2010 Supp. 65-6144 is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:
- (1) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual:
 - (2) cardiopulmonary resuscitation and airway management;
 - (3) control of bleeding:
 - (4) extremity splinting excluding traction splinting;
 - (5) stabilization of the condition of the individual in need of emergency care:
 - (6) oxygen therapy:
 - (7) use of oropharyngeal airways:
 - (8) use of bag valve masks:
 - (9) use automated external defibrillators; and
- (10) other techniques of preliminary care a first responder is trained to provide as approved by the board.
- (b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder under this aet.
- "Renewal" as used in subsection (b), refers to the first opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate following the effective date of this act.
- (d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.
- (e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization: (4) cardiopulmonary resuscitation and airway management: (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose;
- (14) administration of aspirin; (15) recognize and comply with advanced directives;
- (16) insertion and maintenance of oral and nasal pharvngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.
 - Sec. 92. K.S.A. 65-1424 is hereby amended to read as follows: 65-1424. (a) The

term "proprietor" as used in this act includes As used in this act: (1) "Proprietor" means any person who:

- (a) employs dentists or dental hygienists in the operation of a dental office.; or
- (2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation. A person or entity is not a dental franchisor if the agreement with the dentist:
- (A) Permits the person or entity to interfere with the professional judgment of the dentist; or
- (B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.
- (b) places in possession of a dentist or dental hygienists or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or
- (c) retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents except that nothing in this subsection (c) shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement.
- (3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:
- (A) Permits the person or entity to interfere with the professional judgment of the dentist; or
- (B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

A licensee of dentistry who enters into any of the above described arrangements any arrangement with an unlicensed proprietor may have such license <u>limited</u>, suspended or revoked by the board.

- (b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than one year, to provide service to patients until the practice can be sold.
- Sec. 93. K.S.A. 65-1425 is hereby amended to read as follows: 65-1425. Except as provided in K.S.A. 17-2706 et seq., and amendments thereto, no corporation shall practice, offer, or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted: Provided, however, That nothing herein contained,. Nothing in this section shall prohibit a licensed dentist from practicing dentistry as the agent or employee of another licensed dentist in this state, or from practicing dentistry as the agent or employee of any state hospital or state institution where his such dentist's only remuneration is from the state, or from any corporation which provides

dental service for its employees at no profit to the corporation. Nothing in this section shall prohibit a licensed dentist from practicing dentistry as an employee of a general hospital defined in K.S.A. 65-425, and amendments thereto, in a county with population of less than 50 000

- Sec. 94. K.S.A. 2010 Supp. 65-1435 is hereby amended to read as follows: 65-1435. (a) Except as otherwise provided in this section, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except such person's own name, which shall be the name used on the license granted to such person as a dentist as provided in the dental practices this act.
- (b) A licensed dentist may use the name of any association, corporation, clinic, trade name or business name in connection with the practice of dentistry, as defined in the dental practices this act, except that such name may not misrepresent the dentist to the public as determined by the Kansas dental board.
- (c) Nothing herein contained shall be construed to prevent two or more licensed dentists:
- (1) From associating together for the practice of dentistry, each in such person's own proper name; or
- (2) from associating together for the practice of dentistry, each as owners, in a professional corporation, organized pursuant to the professional corporation law of Kansas, or, each as owners, in a limited liability company organized pursuant to the Kansas revised limited liability company act, and using a name that may or may not contain the proper name of any such person or persons except that such name may not misrepresent the dentist to the public if such name has been approved by the board and from employing nonowning licensees; or
- (3) from associating together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word "clinic."
- (d) It shall be unlawful, and a licensee may have a license suspended or revoked, for any licensee to conduct a dental office in the name of the licensee, or to advertise the licensee's name in connection with any dental office or offices, or to associate together for the practice of dentistry with other licensed dentists in a professional corporation or limited liability company, under a name that may or may not contain the proper name of any such person or persons or to associate together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word "clinic," unless such licensee is personally present in the office operating as a dentist or personally overseeing such operations as are performed in the office or each of the offices during a majority of the time the office or each of the offices is being operated.
- (e) Nothing in this section shall be construed to permit the franchise practice of dentistry.
- (f)(e) The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of a license.
- (g)(f) Notwithstanding the provisions of <u>subsection</u> subsections (d) and (e), a licensee shall be permitted to own two dental offices in addition to the licensee's primary office location under the following conditions:
 - (1) The licensee's secondary dental office is located within a 125 mile radius of the

licensee's primary office; and

- (2) the licensee's secondary dental office is located in a county with a population of less than 10,000 according to the 2000 United States census.
- Sec. 95. K.S.A. 2010 Supp. 65-1436 is hereby amended to read as follows: 65-1436. (a) The Kansas dental board may refuse to issue the license <u>under the dental practices</u> provided for in this act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that any applicant for a dental or dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:
- (1) Committed fraud, deceit or misrepresentation in obtaining any license, money or other thing of value;
- (2) habitually used intoxicants or drugs which have rendered such person unfit for the practice of dentistry or dental hygiene;
 - (3) been determined by the board to be professionally incompetent;
- (4) committed gross, wanton or willful negligence in the practice of dentistry or dental hygiene;
- (5) employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee's office which constitutes the practice of dentistry or dental hygiene under the provisions of the dental practices this act;
- (6) willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;
- (7) engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient's legal representative, except:
- (A) The division of fees between dentists practicing in a partnership and sharing professional fees:
- (B) the division of fees between, or in case of one licensed dentist employing another; or
- (C) the division of fees between a licensed dentist and a proprietor -as defined in K.S.A. 65-1424, and amendments thereto dental franchisor;
- (8) committed complicity in association with or allowed the use of the licensed dentist's name in conjunction with any person who is engaged in the illegal practice of dentistry;
- (9) been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
- (10) prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity outside the scope of practice of dentistry or in a manner that impairs the health and safety of an individual;
- (11) prescribed, purchased, administered, sold or given away prescription drugs, including a controlled substance, for other than legal and legitimate purposes;
- (12) violated or been convicted of any federal or state law regulating possession, distribution or use of any controlled substance;
 - (13) failed to pay license fees;

- (14) used the name "clinic," "institute" or other title that may suggest a public or semipublic activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435, and amendments thereto;
- (15) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board;
- (16) engaged in a misleading, deceptive, untrue or fraudulent misrepresentation in the practice of dentistry or on any document connected with the practice of dentistry by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement, including the systematic waiver of patient copayment or co-insurance;
 - (17) failed to keep adequate records;
- (18) the licensee has had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary action taken, has had an application for license denied, or voluntarily surrendered the license after formal proceedings have been commenced by the proper licensing authority or another state, territory or the District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;
- (19) failed to furnish the board, or its investigators or representatives any information legally requested by the board; or
- (20) assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas K.S.A. 21-3406, and amendments thereto, as established by any of the following:
- (A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas K.S.A. 21-3406, and amendments thereto;
- (B) a copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto; or:
- (C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.
- (b) Whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:
 - (1) Revoke the license;
- (2) suspend the license for such period of time as may be determined by the board:
- (3) restrict the right of the licensee to practice by imposing limitations upon dental or dental hygiene procedures which may be performed, categories of dental disease which may be treated or types of patients which may be treated by the dentist or dental hygienist. Such restrictions shall continue for such period of time as may be determined by the board, and the board may require the licensee to provide additional evidence at hearing before lifting such restrictions; or-
- (4) grant a period of probation during which the imposition of one or more of the actions described in subsections (b)(1) through (b)(3) will be stayed subject to such conditions as may be imposed by the board including a requirement that the dentist or dental hygienist refrain from any course of conduct which may result in further

violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice act or failure to meet any condition imposed by the board as set forth in the order of the board will result in immediate termination of the period of probation and imposition of such other action as has been taken by the board.

- (c) As used in this section, "professionally incompetent" means:
- (1) One or more instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes gross negligence, as determined by the board:
- (2) repeated instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes ordinary negligence, as determined by the board; or
- (3) a pattern of dental or dental hygienist practice or other behavior which demonstrates a manifest incapacity or incompetence to practice dentistry.
- (d) In addition to or in lieu of one or more of the actions described in subsections (b)(1) through (b)(4) or in subsection (c) of K.S.A. 65-1444, and amendments thereto, the board may assess a fine not in excess of \$10,000 against a licensee. All fines collected pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and of the amount so remitted, an amount equal to the board's actual costs related to fine assessment and enforcement under this subsection, as certified by the president of the board to the state treasurer, shall be credited to the dental board fee fund and the balance shall be credited to the state general fund.
- (e) The board, upon its own motion or upon the request of any licensee who is a party to a licensure action, may require a physical or mental examination, or both, of such licensee either prior to a hearing to be held as a part of a licensure action or prior to the termination of any period of suspension or the termination of any restrictions imposed upon the licensee as provided in subsection (b).
- New Sec. 96. (a) Any person who is not licensed as a dentist under the dental practices act, or any entity that is not a professional corporation or limited liability company composed of dentists which enter into an agreement with a dentist to provide dental office administrative services shall register with the Kansas dental board.
- (b) (1) The registration shall include the company name, contact information and responsible person of such person or entity along with the address and licensed dentist practice owner names for which administrative services are being provided.
- (2) Any person or entity registered under this section shall provide updated information to the Kansas dental board within 30 days of any changes to the information_provided in paragraph (1). Any person or entity required to register pursuant to this section shall have 30 days from the execution of any contract or agreement with a dentist or professional corporation or limited liability company to complete the registration.
- (c) Any such person or entity required to register pursuant to this section operating under a contract or agreement executed prior to the effective date of this section shall be subject to the provisions of this section and shall have 30 days from the effective date of this section to complete the registration. A copy of all contracts or agreements providing for dental office administrative services shall be maintained by the registered

dental office administrative services company and shall be subject to inspection during regular business hours at any time by the Kansas dental board.

New Sec. 97. (a) As used in this section, "licensed dentist" means a dentist licensed under the dental practices act.

- (b) No person who is a licensed dentist or any entity that is not a professional corporation or limited liability company owned by a licensed dentist shall enter into or continue to maintain a contract or agreement with a licensed dentist in which such contract or agreement allows or provides for the following functions to be controlled by any person or entity other than a licensed dentist pursuant to this section:
 - (1) Providing dental treatment to patients;
 - (2) the decision to accept individual patients for treatment;
 - (3) the direction or delegation of all professional dental services;
 - (4) the ownership of dental charts or patient records;
- (5) except as provided in subsection (d), the ownership of dental equipment or dental materials; and
 - (6) the supervision of clinical dental staff.
- (c) It shall not be a violation of this section for a person or entity to act on behalf of a licensed dentist to perform or arrange for others to perform office administrative services including, but not limited to:
 - (1) Purchasing, billing or tax preparation;
 - (2) compliance or quality assurance programs;
 - (3) legal advice or representation; and
- (4) payroll, advertising, training, recruiting, recordkeeping, programming or other similar functions under the direction or with the consent or approval of a licensed dentist or professional corporation or limited liability company owned by a licensed dentist.
- (d) Nothing in this section shall prohibit a licensed dentist, professional corporation or limited liability company owned by a licensed dentist from entering into real estate lease, equipment lease or lease purchase agreement or bona fide sale of dental equipment or material secured by a chattel mortgage or retain title agreements with equipment manufacturers, landlords, lending institutions, leasing companies, dental franchisors or persons or entities providing dental office administrative services or similar commercial financing transactions.
- (e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto.
- Sec. 98. K.S.A. 2010 Supp. 21-4010 is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:
 - (1) Public places;
 - (2) taxicabs and limousines:
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and

- (6) any place of employment.
- (b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.
 - (d) The provisions of this section shall not apply to:
- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
- (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
- (3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
- (4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
- (5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;
- (6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;
 - (7) tobacco shops;
- (8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and
 - (9) a private club in designated areas where minors are prohibited-; and
- (10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:
- (A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code of 1986;
 - (B) is conducted no more than once per calendar year by such organization; and
- (C) has been held during each of the previous three years prior to January 1, 2011.";

Also on page 41, by striking all in lines 6 through 12; following line 12 by inserting the following:

"Sec. 99. K.S.A 65-1424 and 65-1425 and K.S.A. 2010 Supp. 21-4010, 65-1117, 65-1435 and 65-1436 are hereby repealed.

Sec. 100. On July 1, 2011, K.S.A. 16-1602, 65-4970, 65-4972, 65-4973, 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-1669, 65-1671, 65-2901, 65-2913, 65-4971, 65-6112, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129, 65-6144, 75-5664, 75-5665 and section 2, section 3, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas are hereby repealed.

Sec. 101. On January 1, 2012, K.S.A 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, as amended by section 236 of 2011 House Bill No. 2339, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, as amended by section 82 of this act, 65-6120, as amended by section 83 of this act, 65-6121, as amended by section 84 of this act, 65-6123, as amended by section 85 of this act, 65-6124, as amended by section 86 of this act, 65-6129c, 65-6135, 65-6144, as amended by section 91 of this act, 72-5213, 72-8252 and 74-1106 are hereby repealed.

Sec. 102. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, by striking all in lines 5 through 11 and inserting the following:

"health and health care; providers thereof; health safety requirements; amending K.S.A. 16-1602, 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, as amended by section 236 of 2011 House Bill No. 2339, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 65-1424, 65-1425, 65-6102, 65-6110, 65-6126, 65-6132, 65-6133, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 21-4010, 39-7,119, 40-2,111, 65-468, 65-1117, 65-1132, 65-1435, 65-1436, 65-1626, 65-1669, 65-1671, 65-2901, 65-2913, 65-2921, 65-4101, 65-5402, 65-6112, 65-6112, as amended by section 82 of this act, 65-6119, 65-6120, 65-6120, as amended by section 83 of this act, 65-6121, 65-6121, as amended by section 84 of this act, 65-6123,65-6123, as amended by section 85 of this act, 65-6124, 65-6124, as amended by section 86 of this act, 65-6129, 65-6129c, 65-6135, 65-6144, 65-6144, as amended by section 91 of this act, 72-5213, 72-8252, 74-1106, 75-5664 and 75-5665 and section 2, section 3, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-1626d and 65-4971.":

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

Vicki Schmidt
Pete Brungardt
Laura Kelly
Conferees on part of Senate

Brenda K. Landwehr Owen Donohoe Geraldine Flaharty Conferees on part of House

On motion of Rep. Landwehr, the conference committee report on HB 2182 was adopted.

On roll call, the vote was: Yeas 107; Nays 14; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kleeb, Knox, Landwehr, Lane, Loganbill, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Carlson, Finney, S. Gatewood, Henderson, Kerschen, Kiegerl, Kuether, Mah, McCray-Miller, Tietze, Tyson, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Kinzer, Peterson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2015** submits the following report:

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

On page 1, following line 32, by inserting:

- "(e) The provisions of this section shall expire on June 30, 2014.
- Sec. 2. K.S.A. 2010 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:
- (1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;
- (2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and
- (3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

- (b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year 2009-2010 2011-2012 and school year 2010-2011 2012-2013.
- (c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.
- (d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.
- (e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.
- Sec. 3. K.S.A. 2010 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years 2009 and 2010 2011 and 2012, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.";

And by renumbering sections accordingly:

Also on page 1, in line 33, by striking "72-6433d is " and inserting "72-6431, 72-6433d and 79-201x are":

Also on page 1, in the title, in line 1, after the semicolon by inserting "relating to school finance;"; in line 2, after the semicolon, by inserting "relating to the statewide levy for public schools and the exemption therefrom;"; also in line 2, by striking "72-6433d" and inserting "72-6433d and 79-201x"; in line 3, by striking "section" and inserting "sections";

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

JEAN KURTIS SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate
CLAY AURAND
STEVE HUEBERT
JIM WARD
Conferees on part of House

On motion of Rep. Aurand, the conference committee report on HB 2015 was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke,

Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Peterson.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on SB 21.

The Senate adopts conference committee report on SB 76.

Also, the Senate adopts conference committee report on H. Sub. for Sub. SB 111.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Billinger moved that the House reconsider its action in not adopting the conference committee report on **HB 2075**. The motion prevailed.

The question reverted back to the substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The motion did not prevail.

The question then reverted back to the motion of Rep. DeGraaf to adopt the conference committee report on **HB 2075**. Rep. Mah rose on a point of order that the conference committee was in violation of Joint Rule 3 (f). The chair ruled that the report was in order. Rep. Mah challenged the ruling, the question being "Shall the ruling of the chair be sustained?" The chair was sustained.

The question reverted back to the motion of Rep. DeGraaf to adopt the conference committee report on **HB 2075** and the report was adopted. (See report on page 1270).

On roll call, the vote was: Yeas 86; Nays 30; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfreid, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Aurand, Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hineman, Kuether, Lane, Loganbill, Mah, Moxley,

Peck, Pottorff, Ruiz, Schwartz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Grosserode, Hill, McCray-Miller, Peterson, Roth, K. Wolf.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Kleeb moved that the House reconsider its action in not adopting the conference committee report on **HB 2139**. The motion prevailed.

The question reverted back to the substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The motion did not prevail.

The question reverted back to the original motion of Rep. Shultz to adopt the conference committee report on **HB 2139**. The motion prevailed and the conference committee report was adopted. (See report on page 1281).

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

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Hill, McCray-Miller, Peterson, Roth, K. Wolf.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on H. Sub. for Sub. SB 127. The Senate adopts conference committee report on H. Sub. for SB 154. Also, announcing adoption of SCR 1609.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfreid, **SCR 1609**, A CONCURRENT RESOLUTION relating to the 2011 regular session of the legislature and providing for an adjournment thereof. was introduced and adopted.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2194 reported correctly re-engrossed May 12, 2011.

REPORT ON ENROLLED RESOLUTIONS

HCR 5024; HR 6033 reported correctly enrolled and properly signed May 12, 2011.

On motion of Rep. Siegfreid, the House adjourned until 10:00 a.m., Wednesday, June $1,\,2011.$

Journal of the House

SIXTY-SIXTH DAY

 $\label{eq:hall of the House of Representatives,} Hall of the House of Representatives, Topeka, KS, Wednesday, June 1, 2011, 10:00 a.m.$

The House met pursuant to SCR 1609 with Speaker O'Neal in the chair.

Reps. Aurand, Bollier, Boman, Brown, Bruchman, Carlin, Cassidy, Collins, Crum, Donohoe, Goico, Grant, Hayzlett, Hedke, Hineman, Kelley, Kelly, Kiegerl, Kleeb, Knox, McCray-Miller, Mosier, Moxley, Rhoades, Roth, Schwab, Seiwert, Slattery, Wetta, Williams and B. Wolf were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, Today we gather for sine die, which otherwise might be known as sign or die! As we look back over the session we first want to thank You for Your faithfulness. We have sought Your wisdom and direction and hopefully made every effort to follow that. Some of the decisions were easy to make, some were heart-wrenching and painful. Secondly I want to give thanks for these dedicated leaders who have worked hard and long to make decisions to make a better Kansas. With some of the decisions they are pleased, with others they might still be struggling. Give them a sense of peace in knowing They did the best they could. Thank you for understanding families that supported them in being absent from the home to be here working. Thirdly, I pray for Kansans around the state. In the upcoming months, many of them will have to make major adjustments due to the resolutions passed here. Give them grace and wisdom in making those changes. When it is all said and done,

please find us faithful in doing all that we could *To feed the hungry*.

give drink to the thirsty,
care for the stranger,
clothe the homeless,
and serve those in need.
For in doing this for the least of our brothers,
we did it for You.
(Matthew 25:37-40)
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Grange.

MESSAGES FROM THE GOVERNOR

HB 2020, HB 2076, HB 2119; S. Sub. for HB 2133; Sub. HB 2135; HB 2195, HB 2240; Sub. HB 2271, HB 2282, HB 2392 approved on May 12, 2011.

S. Sub. for HB 2049 approved on May 18, 2011.

HB 2010; S. Sub. for HB 2071; HB 2191, HB 2312 approved on May 19, 2011. HB 2015, HB 2054, HB 2075; S. Sub. for HB 2080; HB 2139, HB 2182; S. Sub. for HB 2194; HB 2336 approved on May 25, 2011.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2014**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas, was received and read.

Message to the Legislature of the State of Kansas:

I want to congratulate the 2011 Legislature on putting together a fair budget in the midst of a down economy. Filling a \$500 million budget hole without raising taxes is a difficult task, but the Committees on Appropriations and Ways and Means and the entire House and Senate took on the challenge and produced a budget that funds state priorities while maintaining a responsible \$50 million real ending balance. And this balance will grow throughout FY 2012. In fact, in the time period between passage of this bill and today, it is estimated that KPERS will show \$4 million in additional savings in FY 2011 and \$11 million in FY 2012. I am proud of everyone's hard work. I will sign this bill.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S. Sub. for HB 2014** with my signature approving the bill, except for the items enumerated below. The net effect of these line item vetoes will be an increase in the ending balance of \$498,000.

Kansas Technology Enterprise Corporation

Pipeline

Section 26 has been line-item vetoed in its entirety.

As part of my agency reorganizations, I recommended elimination of KTEC. This is an unnecessary appropriation from a fund (the EDIF) that is short of cash for an agency that will not exist on July 1. Other sources are now available to keep the entrepreneurial program running.

Department of Health & Environment—Division of Health Care Finance Preferred Mental Health Drug List

Section 108(e) has been line-item vetoed in its entirety.

The Preferred Drug List for the Medicaid Program has been in use for several years and has helped in controlling pharmacy expenditures which had been growing exponentially. Expanding the Preferred Drug List to include mental health drugs and using the Mental Health Preferred Drug List (PDL) Advisory Committee to recommend appropriate medically-indicated management of mental health drugs dispensed under the MediKan program will reduce expenditures. My veto of this provision will not require implementation of a PDL, but would allow for improved patient safety; timely access to medications, support of systematic, best-practice guidance for providers, and lower overall costs. The use of a PDL is standard practice in most private health insurance plans.

State Employee Health Benefits Program Surcharge

Section 108(f) has been line-item vetoed in its entirety.

After further review of this provision, it appears that the revenues that might be generated from a surcharge on state employee health premiums are far less than originally anticipated. After a thorough review, the actual revenues that can reasonably be anticipated from this surcharge are \$790,000. Given the legal concerns the provision may create as it relates to the Kansas Wage Payment Act coupled with the smaller revenues produced, I am compelled to veto the surcharge. I have further directed the Secretary of the Kansas Department of Health and Environment that upon the effective date of the state reorganization of the Kansas Health Policy Authority, the state employee gift card program shall be phased out. This administrative action is reasonably anticipated to generate savings to the Health Plan of \$600,000, which amount shall essentially offset the lost revenue as a result of this specific line-item veto.

Department of Social and Rehabilitation Services

Quarterly Reporting

That portion of Section 111(a) that reads as follows has been line-item vetoed:

"And provided further," That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request."

I have directed my administration to maintain open lines of communication with the Legislature, instructing them to operate transparently and provide timely information on our policies, ongoing progress, and the challenges we must meet. The language contained in this provision would place an unfair and unnecessary administrative burden on one state agency, so I have vetoed it.

Kansas Arts Commission

Agency Operations

Section 115(a) has been line-item vetoed in its entirety. That portion of Section 143(a) that reads as follows has been line-item vetoed:

This veto strikes State General Fund appropriations made to the Commission and removes the Commission's FTE position limitation. My FY 2012 Budget Report recommended no funding for the Commission and outlined a transition plan in order to fund the arts in Kansas with private donations while maintaining the state's federal match. In difficult fiscal times such as these, the state must prioritize how to spend its limited resources and focus its attention on providing core services. The arts will continue to thrive in Kansas when funded by private donations, and I intend to personally involve myself in efforts to make this happen.

Across the Board Reduction

That portion of Section 175 that reads as follows has been line-item vetoed:

"Provided further," That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$5,900,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012:"

My administration remains committed to right-sizing the state budget and reducing the likelihood of allotments by maintaining a responsible ending balance. While I fully intend to make these reductions, I must have the flexibility to impose them where I believe they can be made without harming key services. The \$5.9 million reduction is left intact with this veto and the certification of reductions will be made as provided for in the bill. These reductions, however, should not be made on a pro-rata basis, so I have vetoed this proviso.

Moving Forward

As we look toward more challenges ahead, I encourage the Legislature to join me in thoroughly reviewing areas where we can reduce the reach of state government. One of these areas is state subsidization of public broadcasting. I intend again to include no funding for public broadcasting operations grants in my FY 2013 budget, so I encourage recipients of these grants to make appropriate preparations.

Again, I commend the Legislature for its work during the 2011 session, and I look forward to working with all of you in the coming months and years as we get our state's budget and economy back on track.

Sam Brownback Governor

Dated: May 27, 2011

MESSAGE FROM THE GOVERNOR

May 25, 2011

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 11-09 for your information.

EXECUTIVE ORDER NO. 11-09 Conditional and Temporary Relief from Motor Carrier Rules and Regulations

> Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

MESSAGE FROM THE GOVERNOR

May 26, 2011

Enclosed herewith is Executive Order No. 11-10 for your information.

EXECUTIVE ORDER NO. 11-10
Conditional and Temporary Relief from Healing Arts
Act Rules and Regulations

Sam Brownback Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

MESSAGE FROM THE GOVERNOR

May 31, 2011

Enclosed herewith is Executive Order No. 11-11 for your information.

EXECUTIVE ORDER NO. 11-11 Conditional and Temporary Relief from Kansas Banking Code

Sam Brownback
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk

CONSIDERATION OF VETOED LINE ITEMS

The governor's line item objections to **S. Sub. for HB 2014** having been read (see this Journal, pp. 1662-1664), the time arrived for reconsideration of **S. Sub. for HB 2014**, AN ACT making and concerning appropriations for fiscal years ending June 30,

2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.

There was no motion to reconsider the line items in Section 26, Section 108(e), Section 108 (f), portion of Section 111(a), and Section 175. The chair ruled the line items had been reconsidered and the vetos sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kuether the House proceeded to reconsider the line item veto in Section 115(a) and a portion of Section 143(a) of **S. Sub. for HB 2014** (see this Journal, p. 1664), AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.

The Governor's objection of the line item having been read, the question being, shall the line item be passed not withstanding the Governor's veto?

On roll call, the vote was: Yeas 50; Nays 44; Present but not voting: 0; Absent or not voting: 31.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bowers, Brookens, Burroughs, Calloway, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Gregory, Henderson, Henry, Hill, C. Holmes, Kuether, Lane, Loganbill, Mah, Meier, Pauls, Peterson, Phelps, Pottorff, Proehl, Ruiz, Schroeder, Shultz, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: Brunk, Burgess, Carlson, DeGraaf, Denning, Garber, Goodman, Grange, Grosserode, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kerschen, Kinzer, Landwehr, LeDoux, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rubin, Ryckman, Scapa, Schwartz, Siegfreid, Smith, Suellentrop, Tyson, Vickrey, Weber.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Boman, Brown, Bruchman, Carlin, Cassidy, Collins, Crum, Donohoe, Goico, Grant, Hayzlett, Hedke, Hineman, Kelley, Kelly, Kiegerl, Kleeb, Knox, McCray-Miller, Mosier, Moxley, Rhoades, Roth, Schwab, Seiwert, Slattery, Wetta, Williams, B. Wolf.

A two-thirds majority of the members elected to the House not having voted in favor of the line item over the Governor's veto, the motion did not prevail, the line item veto did not pass.

EXPLANATION OF VOTE

Mr. Speaker: Vetoing state support for the arts in Kansas is not about fiscal responsibility. It is in fact a job-killing veto, especially in rural areas. It is not about returning to "core" functions of government. Governments have supported the arts since governments began, because it is important for the arts to flourish. How will we attract employers here when our Governor delivers a message that Kansas is too backward to support quality of life in this state? This veto makes Kansas the laughing stock of the nation. I vote yes to override the veto on **S. Sub. for HB 2014**. It is what the <u>people</u> of Kansas want -- Ann E. Mah

INTRODUCTION OF GUESTS

Rep. Vickery introduced members of the Louisburg High School 4A State Championship football team and welcomed them to the House.

APPOINTMENT OF HOUSE REDISTRICTING COMMITTEE

Speaker O'Neal announced the following appointments: Rep. O'Neal, chair; Rep. Aurand, vice-chair; Reps. Brown, Brunk, Carlson, Kinzer, Knox, Landwehr, Mast, Patton, Powell, Schroeder, Schwab, Schwartz, Suellentrop, Tyson and Weber. Rep. Davis, Ranking Minority; Reps. Grant, Kuether, Pauls, Peterson and Ward.

OFFICE OF THE GOVERNOR STATE OF KANSAS CERTIFICATE OF APPOINTMENT

I, Sam Brownback, Governor of the State of Kansas, hereby appoint and commission Trent LeDoux as State Representative, District 50, and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.

Signed this 24th day of May, 2011.

Sam Brownback Governor

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

I, Kris Kobach, Secretary of State of the State of Kansas, do hereby certify that Trent LeDoux was appointed by the Governor effective May 24, 2011, for the unexpired term Fiftieth District of the House of Representatives, to fill the vacancy created by the death of Rocky Fund.

In Testimony Whereof, I hereunto subscribed my name and caused to be affixed my official seal this 24^{th} day of May, A.D. 2011.

Kris Kobach Secretary of State

Speaker O'Neal welcomed Rep. LeDoux to the House of Representatives. The House is now organized with 125 members.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2014; HB 2015, HB 2054; S. Sub. for HB 2080; HB 2139, HB 2336 reported correctly re-engrossed, May 16, 2011.

Also, HB 2075 reported correctly engrossed, May 17, 2011.

Also, HB 2182 reported correctly re-engrossed, May 18, 2011.

REPORT ON ENROLLED BILLS

HB 2010; S. Sub. for HB 2049; S. Sub. for HB 2071; Sub. HB 2191; HB 2312 reported correctly enrolled, properly signed and presented to the Governor on May 13, 2011.

S. Sub. for HB 2014; HB 2015, HB 2054, HB 2075; S. Sub. for HB 2080; HB 2139, HB 2182; S. Sub. for HB 2194; HB 2336 reported correctly enrolled, properly signed and presented to the Governor on May 20, 2011.

The hour for final adjournment having arrived, Speaker O'Neal said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2011 session, I do now declare the House adjourned sine die."

 $\mbox{CHARLENE SWANSON}, \mbox{\it Journal Clerk}.$ SUSAN W. KANNARR, $\mbox{\it Chief Clerk}.$ $\hfill \Box$

TITLE AND HISTORY

OF

HOUSE BILLS

AND

HOUSE RESOLUTIONS

SHORT TITLE AND HISTORY OF HOUSE BILLS

Bill by Representative O'Neal Local law enforcement training reimbursement fund; expenditures approved by commission on peace officers' standards and training. 01/07/2011 House—Prefiled for Introduction—HJ 54 01/10/2011 House-Introduced-HJ 54 01/10/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 62 01/27/2011 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice-HJ 125 02/03/2011 House—Committee of the Whole - Be passed—HJ 156 02/07/2011 House—Final Action - Passed; Yea: 120 Nay: 1—HJ 177 02/09/2011 Senate—Received and Introduced—SJ 143 02/10/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 150 03/08/2011 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 297 03/15/2011 Senate—Committee of the Whole - Be passed—SJ 357 03/15/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 360 03/28/2011 House—Approved by Governor on Monday, 28 March 2011—HJ 782 H 2002 Bill by Representatives Grant, D. Gatewood Amendments to the Kansas expanded lottery act. 01/07/2011 House—Prefiled for Introduction—HJ 54 01/10/2011 House-Introduced-HJ 54 01/10/2011 House—Referred to Committee on Federal and State Affairs—HJ 62 03/28/2011 House-Motion to withdraw from Committee on Federal and State Affairs not adopted; Yea: 51 Nay: 71-HJ 721 03/28/2011 House—Motion to change sequence on General Orders not adopted;—HJ 721 H 2003 Bill by Representative Bowers Designating part of K-18 highway as the Medal of Honor recipient Donald K. Ross memorial highway. 01/07/2011 House—Prefiled for Introduction—HJ 54 01/10/2011 House-Introduced-HJ 54 01/10/2011 House—Referred to Committee on Transportation—HJ 62 02/15/2011 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 261 02/21/2011 House—Committee of the Whole - Be passed—HJ 304 02/22/2011 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 310 02/22/2011 Senate—Received and Introduced—SJ 225 02/23/2011 Senate—Referred to Committee on Transportation—SJ 237 03/03/2011 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 282 03/09/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 299 03/28/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719 Bill by Representative Carlson Sub for HB 2004 by Committee on Education -- School districts; defining non-resident pupil. 01/07/2011 House—Prefiled for Introduction—HJ 54 01/10/2011 House-Introduced-HJ 54 01/10/2011 House—Referred to Committee on Education—HJ 62 02/09/2011 House—Committee Report recommending substitute bill be passed by Committee on Education-HJ 218 02/22/2011 House—Committee of the Whole - Substitute bill be passed—HJ 312 02/23/2011 House—Final Action - Passed; Yea: 81 Nay: 40—HJ 329 02/24/2011 Senate—Referred to Committee on Education—SJ 249 03/23/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 508 03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 512

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H 2005
          Bill by Representative Otto
    School districts; finance; establishing the base state aid per pupil for future school
    01/07/2011 House—Prefiled for Introduction—HJ 54
    01/10/2011 House-Introduced-HJ 54
    01/10/2011 House—Referred to Committee on Education—HJ 62
          Bill by Representatives Tyson, Brown, Brunk, DeGraaf, Donohoe, Goodman,
    Gregory, Grosserode, Hildabrand, Hoffman, Howell, Kinzer, Knox, McLeland, O'Brien,
    Osterman, Patton, Peck, Powell, Prescott, Rubin, Scapa, Seiwert, Vickrey
    Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain
    aliens who are unlawfully present in the United States.
    01/07/2011 House—Prefiled for Introduction—HJ 54
    01/10/2011 House-Introduced-HJ 54
    01/10/2011 House—Referred to Committee on Federal and State Affairs—HJ 62
    02/11/2011 House—Committee Report recommending bill be passed by Committee on
          Federal and State Affairs—HJ 239
    02/21/2011 House—Committee of the Whole - Be passed—HJ 304
    02/22/2011 House—Final Action - Passed; Yea: 72 Nay: 50—HJ 310
    02/22/2011 Senate—Received and Introduced—SJ 225
    02/23/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 237
    03/16/2011 Senate—Committee Report recommending the bill be not passed by
          Committee on Federal and State Affairs—SJ 367
H 2007
          Bill by Representative Huebert
    Health exceptions to late-term and partial birth abortions.
    01/07/2011 House—Prefiled for Introduction—HJ 54
    01/10/2011 House-Introduced-HJ 54
    01/10/2011 House—Referred to Committee on Federal and State Affairs—HJ 62
          Bill by Representative Kinzer
    Senate Substitute for HB 2008 by Committee on Judicary -- Creating a special
    sentencing rule for identity theft and identity fraud.
    01/13/2011 House—Introduced—HJ 75
    01/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 82
    02/09/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 214
    02/11/2011 House—Committee of the Whole - Be passed as amended—HJ 239
    02/14/2011 House—Final Action - Passed as amended; Yea: 118 Nay: 2—HJ 252
    02/14/2011 Senate-Received and Introduced-SJ 161
    02/15/2011 Senate—Referred to Committee on Judiciary—SJ 194
    03/21/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Judiciary—SJ 397
   03/22/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 434 03/23/2011 Senate—Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 473
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Colloton, Representative Kinzer and Representative
          McCray-Miller as conferees—HJ 723
    03/29/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator
          Haley appointed as 1 conferees—SJ 524
    03/30/2011 House—Concurred with amendments in conference; Yea: 120 Nay: 0—HJ 828
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
          Bill by Representative Kinzer
    Defining the crime of home improvement fraud and providing penalties.
    01/13/2011 House—Introduced—HJ 75
    01/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 82
    02/09/2011 House—Committee Report recommending bill be passed by Committee on
          Corrections and Juvenile Justice-HJ 214
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02/15/2011 House-Withdrawn from Calendar, Rereferred to Committee on Corrections
          and Juvenile Justice-HJ 260
H 2010
          Bill by Representative Kinzer
    Offenses and conduct giving rise to forfeiture.
    01/13/2011 House—Introduced—HJ 75
    01/14/2011 House—Referred to Committee on Judiciary—HJ 82
    02/16/2011 House—Committee Report recommending bill be passed by Committee on
          Judiciary-HJ 268
    02/22/2011 House—Committee of the Whole - Be passed—HJ 319
    02/23/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 329
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Judiciary—SJ 249 03/21/2011 Senate—Committee Report recommending bill be passed by Committee on
           Judiciary—SJ 397
    03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 441
    03/23/2011 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 473
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Kinzer, Representative Patton and Representative Pauls as
          conferees-HJ 723
    03/29/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator
          Haley appointed as conferees—SJ 524
    05/05/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—SJ 697
    05/06/2011 House—Conference Committee Report was adopted; Yea: 111 Nay: 5—HJ
    05/20/2011 House—Approved by Governor on Thursday, 19 May 2011—HJ 1662
          Bill by Legislative Educational Planning
    Tax credits for certain contributions to community colleges.
    01/13/2011 House—Introduced—HJ 77
01/14/2011 House—Referred to Committee on Taxation—HJ 82
           Bill by Legislative Educational Planning
    The duties of the legislative educational planning committee include matters or issues
    relating to school finance.
    01/13/2011 House-Introduced-HJ 77
    01/14/2011 House—Referred to Committee on Education Budget—HJ 82
           Bill by Federal and State Affairs
    Sale and purchase of rifles and shotguns.
    01/13/2011 House—Introduced—HJ 77
    01/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 82
    02/11/2011 House—Committee Report recommending bill be passed by Committee on
           Federal and State Affairs—HJ 239
    02/17/2011 House—Committee of the Whole - Be passed—HJ 278 02/18/2011 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 285
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 224
    03/09/2011 Senate—Committee Report recommending bill be passed by Committee on
           Federal and State Affairs—SJ 301
    03/16/2011 Senate—Committee of the Whole - Be passed—SJ 369
    03/17/2011 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 376
    03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719
           Bill by Appropriations
    Senate Substitute for HB 2014 by Committee on Ways and Means -- Appropriations
    for FY 2011 through FY 2016 for various state agencies, omnibus appropriation act
    and omnibus reconciliation spending limit bill, capital improvements, special claims.
    01/14/2011 House—Introduced—HJ 82
01/18/2011 House—Referred to Committee on Appropriations—HJ 86
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01/31/2011 House—Committee Report recommending bill be passed as amended by
      Committee on Appropriations—HJ 135
02/08/2011 House—Committee of the Whole - Be passed as amended—HJ 205
02/08/2011 House-Emergency Final Action - Passed as amended; Yea: 81 Nay: 40-HJ
02/09/2011 Senate—Received and Introduced—SJ 143
02/09/2011 Senate—Referred to Committee on Ways and Means—SJ 143
02/10/2011 Senate—Committee Report recommending substitute bill be passed by
      Committee on Ways and Means—SJ 151
02/14/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 191
02/15/2011 Senate—Final Action - Substitute passed; Yea: 21 Nay: 17—SJ 196
02/16/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Rhoades, Representative Kelley and Representative
      Feuerborn as conferees—HJ 267
02/16/2011 Senate—Motion to accede adopted; Senator McGinn, Senator Vratil and
      Senator Kelly appointed as conferees—SJ 203
04/27/2011 House—Representative Carlson replaces Representative Kelley on the
      Conference Committee—HJ 885
05/12/2011 Senate—Conference Committee Report was adopted; Yea: 28 Nay: 11—SJ
05/13/2011 House—Conference Committee Report was adopted; Yea: 69 Nay: 55—HJ
05/28/2011 House—Approved by the Governor except line item veto of Secs. 26, 108(e),
       108(f) & 115(a); portions of 111(a), 143(a) & 175.—HJ 1662
06/01/2011 House—Motion to reconsider line item veto of Secs. 115(a) & portion of
      143(a) failed: Veto Sustained. Yea: 50 Nay: 44—HJ 1666
06/01/2011 House—No other line items reconsidered; vetoes sustained.—HJ 1665
      Bill by Legislative Educational Planning
Extending the expiration date of special local option budget provisions; continuation
of the statewide property tax levy for public schools.
01/18/2011 House—Introduced—HJ 86
01/19/2011 House—Referred to Committee on Education—HJ 92
02/16/2011 House—Committee Report recommending bill be passed as amended by
      Committee on Education—HJ 268
02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 337
02/24/2011 House—Final Action - Passed as amended; Yea: 120 Nay: 1—HJ 349
02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Education—SJ 270
03/17/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Education—SJ 381
03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 434 03/23/2011 Senate—Final Action - Passed as amended; Yea: 37 Nay: 2—SJ 474
03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Aurand, Representative Huebert and Representative Ward
as conferees—HJ 723
03/29/2011 Senate—Motion to accede adopted; Senator Schodorf, Senator Vratil and
      Senator Hensley appointed as conferees—SJ 524
05/12/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—SJ 877
05/12/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ
05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
      Bill by Special Education
School districts; finance; bilingual weighting based on program enrollment.
01/18/2011 House—Introduced—HJ 86
01/19/2011 House—Referred to Committee on Education Budget—HJ 92
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01/24/2011 House-Withdrawn from Committee on Education Budget; Referred to
          Committee on Education—HJ 100
H 2017
          Bill by Special Education
    School districts; calculating adjusted enrollment if determined that pupils are
    ineligible for free meals.
    01/18/2011 House—Introduced—HJ 86
    01/19/2011 House—Referred to Committee on Education—HJ 92
    02/03/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 156
    02/15/2011 House—Committee of the Whole - Be passed as amended—HJ 261
    02/16/2011 House—Final Action - Passed as amended; Yea: 85 Nay: 33—HJ 266
    02/17/2011 Senate—Received and Introduced—SJ 206
    02/18/2011 Senate—Referred to Committee on Education—SJ 212
    03/21/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on
          Ways and Means—SJ 391
          Bill by Special Education
    School districts; finance; high density at-risk weighting.
    01/18/2011 House—Introduced—HJ 86
    01/19/2011 House-Referred to Committee on Education Budget-HJ 92
    01/24/2011 House—Withdrawn from Committee on Education Budget; Referred to
          Committee on Education—HJ 100
    02/03/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 156
    02/16/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations
           —HJ 265
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Education—HJ 340
          Bill by Special Education
    School districts; interdistrict agreements; termination.
    01/18/2011 House—Introduced—HJ 86
    01/19/2011 House—Referred to Committee on Education—HJ 92
          Bill by Legislative Educational Planning
    Postsecondary educational institutions; funds; certain veterinary practices by
    01/18/2011 House—Introduced—HJ 86
    01/19/2011 House—Referred to Committee on Education—HJ 92
    01/31/2011 House—Committee Report recommending bill be passed by Committee on
          Education—HJ 146
   02/04/2011 House—Committee of the Whole - Be passed—HJ 161 02/07/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 178
    02/09/2011 Senate—Received and Introduced—SJ 143
    02/10/2011 Senate—Referred to Committee on Education—SJ 150
    03/10/2011 Senate—Committee Report recommending bill be passed by Committee on
          Education—SJ 309
    03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 371
    03/17/2011 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 376
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Aurand, Representative Huebert and Representative Ward
   as conferees—HJ 590
03/21/2011 Senate—Motion to accede adopted; Senator Schodorf, Senator Vratil and
          Senator Hensley appointed as conferees—SJ 404
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 2—SJ 597
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04/27/2011 House—Conference Committee Report was adopted; Yea: 117 Nay: 2—HJ 885 05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662 Bill by Legislative Educational Planning

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KAN-ED; membership.
    01/18/2011 House—Introduced—HJ 86
    01/19/2011 House-Referred to Committee on Education Budget-HJ 92
           Bill by Corrections and Juvenile Justice
H 2022
    Allowing venue to be transferred back to the jurisdiction where the crime occurred
    when a defendant is to be conditionally released.
    01/18/2011 House-Introduced-HJ 86
    01/19/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 92
           Bill by Corrections and Juvenile Justice
    Amending the drug schedule by adding additional unlawful substances.
    01/18/2011 House—Introduced—HJ 89
    01/19/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 92
    02/07/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Corrections and Juvenile Justice—HJ 183
    02/09/2011 House—Committee of the Whole - Be passed as amended—HJ 214
    02/10/2011 House—Final Action - Passed as amended; Yea: 120 Nay: 0—HJ 221
    02/10/2011 Senate-Received and Introduced-SJ 150
    02/11/2011 Senate—Referred to Committee on Judiciary—SJ 154
    03/03/2011 Senate—Committee Report recommending bill be passed by Committee on
           Judiciary—SJ 281
    03/15/2011 Senate—Committee of the Whole - Be passed—SJ 357
    03/15/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 360
    03/28/2011 House—Approved by Governor on Monday, 28 March 2011—HJ 782
H 2024
           Bill by Vision 2020
    Creating the constitutional education suitability commission.
    01/18/2011 House—Introduced—HJ 89
01/19/2011 House—Referred to Committee on Education—HJ 92
H 2025
           Bill by Appropriations
    Concerning the regulation of motor carriers; exemptions of certain carriers.
    01/18/2011 House—Introduced—HJ 89
01/19/2011 House—Referred to Committee on Transportation—HJ 92
           Bill by Federal and State Affairs
H 2026
    Kansas immigration accountability act.
    01/18/2011 House—Introduced—HJ 89
01/19/2011 House—Referred to Committee on Federal and State Affairs—HJ 92
H 2027
           Bill by Judiciary
    Rules and regulations filing act.
    01/18/2011 House—Introduced—HJ 89
01/19/2011 House—Referred to Committee on Judiciary—HJ 92
    02/16/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Judiciary—HJ 268
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 312 02/23/2011 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 330
    02/23/2011 Senate—Received and Introduced—SJ 246
02/24/2011 Senate—Referred to Committee on Judiciary—SJ 249
03/03/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Judiciary—SJ 281
    03/15/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 358
    03/15/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    03/21/2011 House—Concurred with amendments; Yea: 123 Nay: 0—HJ 590
    03/31/2011 House—Approved by Governor on Thursday, 31 March 2011—HJ 854
           Bill by Judiciary
    Uniform trust code; insurable interest of trustee.
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01/18/2011 House-Introduced-HJ 89
    01/19/2011 House—Referred to Committee on Judiciary—HJ 92
    02/04/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—HJ 163
    02/09/2011 House—Committee of the Whole - Be passed as amended—HJ 214
    02/10/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 1—HJ 221
    02/10/2011 Senate—Received and Introduced—SJ 150
    02/11/2011 Senate—Referred to Committee on Judiciary—SJ 154
    03/08/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—SJ 297
    03/15/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 358
    03/15/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    03/21/2011 House—Concurred with amendments; Yea: 123 Nay: 0—HJ 590
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
          Bill by Judiciary
    Tort claims act, charitable health care provider defined to include ultrasound
    technologists.
    01/18/2011 House-Introduced-HJ 89
    01/19/2011 House—Referred to Committee on Judiciary—HJ 92
    02/15/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—HJ 261
    02/17/2011 House—Committee of the Whole - Be passed as amended—HJ 278
    02/18/2011 House—Final Action - Passed as amended; Yea: 118 Nay: 0—HJ 286
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Judiciary—SJ 224 03/08/2011 Senate—Committee Report recommending bill be passed by Committee on
          Judiciary—SJ 297
    03/15/2011 Senate—Committee of the Whole - Be passed—SJ 357
    03/15/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 361
    03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719
          Bill by Special Judiciary
    Continuation of certain exceptions to disclosure under the open records act.
    01/18/2011 House—Introduced—HJ 89
    01/19/2011 House—Referred to Committee on Judiciary—HJ 92
    02/07/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—HJ 183
    02/09/2011 House—Committee of the Whole - Be passed as amended—HJ 214
    02/10/2011 House—Final Action - Passed as amended; Yea: 120 Nay: 0—HJ 222
    02/10/2011 Senate—Received and Introduced—SJ 150
02/11/2011 Senate—Referred to Committee on Judiciary—SJ 154
    03/03/2011 Senate—Committee Report recommending bill be passed by Committee on
          Judiciary—SJ 281
    03/15/2011 Senate—Committee of the Whole - Be passed—SJ 357
    03/15/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 362
    03/28/2011 House—Approved by Governor on Monday, 28 March 2011—HJ 782
          Bill by Representatives Smith, Bruchman, Burgess, Grosserode, Hildabrand, Kinzer,
H 2031
    Mast, Meigs, Pauls, Rubin, Vickrey
    Allowing the attorney general or the county or district attorney to request of the
    district court the convening of a grand jury to investigate alleged violations of serious
    felonies.
    01/19/2011 House-Introduced-HJ 91
    01/20/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 95 01/26/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice;
          Referred to Committee on Judiciary—HJ 114
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02/21/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—HJ 305
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 116 Nay: 5—HJ 349
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Judiciary—SJ 270
    03/23/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on
          Ways and Means—SJ 508
H 2032
          Bill by Representative Smith
    County and district attorney monthly reporting of caseloads.
    01/19/2011 House—Introduced—HJ 91
    01/20/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 95
H 2033
          Bill by Transportation
    Registration of certain fleet motor vehicles.
    01/19/2011 House—Introduced—HJ 91
    01/20/2011 House—Referred to Committee on Transportation—HJ 95
    01/27/2011 House—Committee Report recommending bill be passed by Committee on
          Transportation—HJ 125
    02/03/2011 House—Committee of the Whole - Be passed—HJ 156
    02/07/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 178
    02/09/2011 Senate—Received and Introduced—SJ 143
    02/10/2011 Senate—Referred to Committee on Transportation—SJ 150
    02/16/2011 Senate—Committee Report recommending bill be passed and placed on
          Consent Calendar by Committee on Transportation—SJ 204
    02/22/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 226
    03/11/2011 House—Approved by Governor on Friday, 11 March 2011
H 2034
          Bill by Transportation
    Raising speed limit on certain roadways to 75 mph; violations.
    01/19/2011 House—Introduced—HJ 91
    01/20/2011 House—Referred to Committee on Transportation—HJ 95
    02/18/2011 House—Committee Report recommending bill be passed by Committee on
          Transportation—HJ 290
    02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 359
    02/25/2011 House—Final Action - Passed as amended; Yea: 95 Nay: 23—HJ 396
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Transportation—SJ 280
    03/23/2011 Senate—Withdrawn from Committee on Transportation; Referred to
          Committee on Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
          Committee on Transportation—SJ 512
          Bill by Representatives Kinzer, Rubin, Arpke, Billinger, Brown, Brunk, Burgess,
H 2035
    Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fund, Garber, Goico,
    Goodman, Grange, Gregory, Gonzalez, Grosserode, Henry, Hermanson, Hildabrand,
    Hoffman, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Knox, Landwehr,
    Mast, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto,
    Patton, Pauls, Peck, Powell, Rhoades, Ryckman, Scapa, Schwab, Siegfreid, Smith,
    Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf
    Amending statutes regulating late-term and partial birth abortion.
    01/19/2011 House—Introduced—HJ 91
01/20/2011 House—Referred to Committee on Federal and State Affairs—HJ 95
    02/14/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Federal and State Affairs—HJ 254
   02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341 02/24/2011 House—Final Action - Passed as amended; Yea: 96 Nay: 25—HJ 350
    02/24/2011 Senate—Received and Introduced—SJ 265
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02/25/2011 Senate—Referred to Committee on Judiciary—SJ 270
    03/22/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Judiciary—SJ 433
    03/23/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 486
    03/23/2011 Senate—Emergency Final Action - Passed as amended; Yea: 24 Nay: 15—SJ
    03/29/2011 House—Concurred with amendments; Yea: 100 Nay: 22—HJ 785
    04/12/2011 House—Approved by Governor on Tuesday, 12 April 2011—HJ 882
           Bill by Representatives Otto, Carlson, DeGraaf, Donohoe, Garber, Grange,
    Osterman, Rhoades, B. Wolf
    Interpretation of federal statutes, regulations and national codes.
    01/19/2011 House—Introduced—HJ 91
01/20/2011 House—Referred to Committee on Judiciary—HJ 95
           Bill by Representative O'Neal
    Committees; creating the house committee on commerce and economic development.
    01/19/2011 House—Introduced—HJ 91
    01/20/2011 House—Referred to Committee on Rules and Journal—HJ 95
           Bill by Corrections and Juvenile Justice
    Amending the procedure regarding jury trials for upward departure sentences.
    01/19/2011 House—Introduced—HJ 91
    01/20/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 95
    02/11/2011 House—Committee Report recommending bill be passed by Committee on
           Corrections and Juvenile Justice—HJ 243
    02/15/2011 House—Committee of the Whole - Be passed—HJ 261
    02/16/2011 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 267
    02/16/2011 Senate—Received and Introduced—SJ 203
    02/17/2011 Senate—Referred to Committee on Judiciary—SJ 206 03/07/2011 Senate—Committee Report recommending bill be passed by Committee on
           Judiciary—SJ 294
    03/15/2011 Senate—Committee of the Whole - Be passed—SJ 357
    03/15/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 362
    03/28/2011 House—Approved by Governor on Monday, 28 March 2011—HJ 782
           Bill by Health and Human Services
H 2039
    Smoking regulations; casino exemption deleted.
    01/19/2011 House—Introduced—HJ 91
01/20/2011 House—Referred to Committee on Health and Human Services—HJ 95
           Bill by Health and Human Services
H 2040
    Local health department funding reductions.
    01/19/2011 House—Introduced—HJ 92
01/20/2011 House—Referred to Committee on Health and Human Services—HJ 95
H 2041
           Bill by Local Government
    Licensure qualifications for pawnbrokers and precious metal dealers.
    01/19/2011 House—Introduced—HJ 92
01/20/2011 House—Referred to Committee on Local Government—HJ 95
H 2042
           Bill by Judiciary
    Requiring law enforcement to report pornographic materials found at scene of or in
    possession of person who commits a sexually violent crime.
    01/19/2011 House—Introduced—HJ 92
    01/20/2011 House—Referred to Committee on Judiciary—HJ 95
02/21/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Judiciary—HJ 305
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 2—HJ 351
    02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Judiciary—SJ 270
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03/23/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on
          Ways and Means—SJ 508
          Bill by Representative Otto
H 2043
    School districts; requiring online reporting of all expenditures by each district.
    01/19/2011 House—Introduced—HJ 92
    01/20/2011 House-Referred to Committee on Education-HJ 95
          Bill by Corrections and Juvenile Justice
H 2044
    Amending the requirements for action and notification upon motor vehicle accident.
    01/19/2011 House—Introduced—HJ 92
    01/20/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 95
    02/17/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 278
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319
    02/23/2011 House—Final Action - Passed as amended; Yea: 85 Nay: 36—HJ 330
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Transportation—SJ 249
    03/10/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Transportation—SJ 309
    03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 369
    03/17/2011 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 377
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Colloton, Representative Kinzer and Representative
          McCray-Miller as conferees—HJ 591
    03/21/2011 Senate—Motion to accede adopted; Senator Umbarger, Senator Marshall and
          Senator Kultala appointed as conferees—SJ 403
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 598
    04/27/2011 House—Conference Committee Report not adopted; Representative Colloton,
          Representative Kinzer and Representative McCray-Miller appointed as 2nd
          conferees—HJ 889
    04/28/2011 Senate—Motion to accede adopted; Senator Umbarger, Senator Marshall and
          Senator Kultala appointed as 2nd conferees—SJ 633
    05/02/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 654
    05/03/2011 House—Conference Committee Report was adopted; Yea: 112 Nay: 12—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260
          Bill by Corrections and Juvenile Justice
    Amending the definitions and penalties for eavesdropping and blackmail.
    01/19/2011 House—Introduced—HJ 92
    01/20/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 95
          Bill by Aging and Long Term Care
    Creation of the health care for seniors fund.
    01/20/2011 House—Introduced—HJ 93
    01/21/2011 House—Referred to Committee on Aging and Long Term Care—HJ 97
          Bill by Aging and Long Term Care
    Enacting the geriatric mental health act.
    01/20/2011 House—Introduced—HJ 93
01/21/2011 House—Referred to Committee on Aging and Long Term Care—HJ 97
          Bill by Representatives Sloan, Hill, K. Wolf
    Establishing a prescription drug disposal program.
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01/20/2011 House-Introduced-HJ 93

Controlled substances.

01/20/2011 House—Introduced—HJ 93

Bill by Corrections and Juvenile Justice

01/21/2011 House—Referred to Committee on Health and Human Services—HJ 97

Senate Substitute for HB 2049 by Committee on Public Health and Welfare --

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01/21/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 97
    01/31/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 144
    02/04/2011 House—Committee of the Whole - Be passed as amended—HJ 161
    02/07/2011 House—Final Action - Passed as amended; Yea: 113 Nay: 8—HJ 179
    02/09/2011 Senate—Received and Introduced—SJ 143
    02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
    02/22/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on
          Public Health and Welfare—SJ 224
    03/07/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Public Health and Welfare—SJ 294
    03/16/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 370
    03/17/2011 Senate—Final Action - Substitute passed; Yea: 36 Nay: 1—SJ 377
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Colloton, Representative Kinzer and Representative
          McCray-Miller as conferees—HJ 591
    03/22/2011 Senate—Motion to accede adopted; Senator V. Schmidt, Senator Brungardt
          and Senator Kelly appointed as conferees-SJ 438
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 2—SJ 598
    04/27/2011 House—Conference Committee Report not adopted; Representative Colloton,
          Representative Kinzer and Representative McCray-Miller appointed as 2nd
          conferees-HJ 890
    04/28/2011 Senate—Motion to accede adopted; Senator V. Schmidt, Senator Brungardt
          and Senator Kelly appointed as 2nd conferees—SJ 633
    04/29/2011 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 2—SJ 637
    05/03/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 3—HJ
    05/18/2011 House—Approved by Governor on Wednesday, 18 May 2011—HJ 1662
          Bill by Energy and Utilities
    Concerning utilities; establishing the broadband deployment assistance program.
    01/20/2011 House—Introduced—HJ 93
01/21/2011 House—Referred to Committee on Energy and Utilities—HJ 97
H 2051
          Bill by Taxation
    Business and job development carryforward credits under Kansas income tax act.
    01/20/2011 House—Introduced—HJ 93
01/21/2011 House—Referred to Committee on Taxation—HJ 98
H 2052
          Bill by Taxation
    Income tax credit for certain tuition and related expenses paid to an educational
    institution located in Kansas based on federal hope and lifetime learning tax credits.
    01/20/2011 House—Introduced—HJ 94
01/21/2011 House—Referred to Committee on Taxation—HJ 98
          Bill by Appropriations
    School districts; uniform financial accounting and reporting act.
    01/21/2011 House—Introduced—HJ 97
01/24/2011 House—Referred to Committee on Education Budget—HJ 100
          Bill by Commerce and Economic Development
    Abolishing KTEC: transferring duties to department of commerce and board of
    01/21/2011 House—Introduced—HJ 97
    01/24/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 100
    01/28/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Commerce and Economic Development—HJ 128
    02/10/2011 House—Committee of the Whole - Be passed as amended—HJ 223
    02/11/2011 House—Final Action - Passed as amended; Yea: 88 Nay: 29—HJ 234
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02/14/2011 Senate—Received and Introduced—SJ 161
02/15/2011 Senate—Referred to Committee on Ways and Means—SJ 194
03/08/2011 Senate—Withdrawn from Committee on Ways and Means; Referred to
      Committee on Commerce—SJ 296
05/11/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Commerce—ŜJ 802
05/11/2011 Senate—Motion to advance to first order of business was adopted—SJ 853
05/11/2011 Senate—Committee of the Whole - Be passed as amended—ŜJ 854
05/11/2011 Senate—Emergency Final Action - Passed as amended; Yea: 21 Nay: 11—SJ
05/12/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Brown, Representative Suellentrop and Representative
      Slattery as conferees—HJ 1183
05/12/2011 Senate—Motion to accede adopted; Senator Wagle, Senator Lynn and Senator
      Holland appointed as conferees—SJ 879
05/12/2011 Senate—Senator Vratil replaces Senator Lynn on the Conference Committee—
      SJ 879
05/12/2011 House—Concurred with amendments in conference; Yea: 97 Nay: 26—HJ
05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
      Bill by Corrections and Juvenile Justice
Eliminating certain information sharing requirements for district and county
attorneys.
01/21/2011 House—Introduced—HJ 97
01/24/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 100
      Bill by Financial Institutions
Financial institutions; trust examinations and annual assessments.
01/21/2011 House-Introduced-HJ 97
01/24/2011 House—Referred to Committee on Financial Institutions—HJ 100
01/28/2011 House—Committee Report recommending bill be passed and placed on
      Consent Calendar by Committee on Financial Institutions—HJ 128
02/07/2011 House-Final Action - Passed; Yea: 121 Nay: 0-HJ 179
02/09/2011 Senate—Received and Introduced—SJ 143
02/10/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
03/21/2011 Senate—Committee Report recommending bill be passed by Committee on
      Financial Institutions and Insurance—SJ 391
03/23/2011 Senate—Committee of the Whole - Be passed—SJ 481
03/23/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 504
04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
      Bill by Corrections and Juvenile Justice
Adding Johnson County sheriff's laboratory and Sedgwick County regional forensic
science center as admissible forensic examination centers.
01/21/2011 House—Introduced—HJ 97
01/24/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 100
01/27/2011 House—Committee Report recommending bill be passed by Committee on
       Corrections and Juvenile Justice—HJ 125
02/03/2011 House—Committee of the Whole - Be passed—HJ 156 02/07/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 180
02/09/2011 Senate—Received and Introduced—SJ 143
02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150 03/07/2011 Senate—Committee Report recommending bill be passed by Committee on
      Judiciary—SJ 294
03/09/2011 Senate—Committee of the Whole - Be passed—SJ 302
03/09/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 306
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Establishing conditions when motorcylists and bicyclists may proceed through red

03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719

H 2058

traffic signals.

Bill by Transportation

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01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Transportation—HJ 109
    02/15/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Transportation—HJ 261
    03/02/2011 House—Stricken from Calendar by Rule 1507—HJ 416
          Bill by Representative Sloan
H 2059
    Requiring second-hand stores to verify identity of sellers and record such
    information.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 109
H 2060
          Bill by Representative Sloan
    Recognizing the primacy of decisions written by a member of the military on the
    federal DD form 93.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Veterans, Military and Homeland Security
    02/14/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Veterans, Military and Homeland Security—HJ 254
    02/17/2011 House—Committee of the Whole - Be passed as amended—HJ 278
    02/18/2011 House—Final Action - Passed as amended; Yea: 118 Nay: 0—HJ 287
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 224
    03/16/2011 Senate—Committee Report recommending bill be passed by Committee on
          Federal and State Affairs—SJ 366
    03/21/2011 Senate—Committee of the Whole - Be passed—SJ 405
    03/21/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 427
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
          Bill by Representative Sloan
    Enumerating transferred intent as an element of state criminal law when the person
    acts with the requisite culpability but such person's actions affect a different object or
    person than intended.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 109
          Bill by Representative Sloan
    Giving law enforcement officers permission to search people on probation, parole or
    postrelease supervision upon reasonable suspicion.
    01/24/2011 House—Introduced—HJ 100
01/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 109
          Bill by Representatives Sloan, Hineman
H 2063
    Designating an official state fossil.
    01/24/2011 House—Introduced—HJ 100
01/25/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
          Bill by Vision 2020
    Creating the higher education commission.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Education—HJ 109
          Bill by Local Government
    Cities annexation; deannexation; changes.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Local Government—HJ 109
                        (SJ & HJ Nos. refer to 2011 Senate and House Journals)
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H 2066
          Bill by Local Government
    City annexation; fire district territory; double taxation; refund of taxes.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Local Government—HJ 109
    02/21/2011 House—Committee Report recommending bill be passed by Committee on
          Local Government—HJ 306
    02/23/2011 House—Committee of the Whole - Be passed—HJ 340
    02/24/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 351
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Local Government—SJ 271
          Bill by Representatives Kinzer, Arpke, Brown, Brunk, Burgess, Calloway, Carlson,
H 2067
    Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory,
    Grosserode, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleeb,
    Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto,
    Patton, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfreid, Smith,
    Suellentrop, Vickrey, Weber, K. Wolf, B. Wolf, Worley
    Voter photographic identification requirements.
    01/24/2011 House—Introduced—HJ 100
    01/25/2011 House—Referred to Committee on Elections—HJ 109
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Elections—HJ 321
    02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 392
    02/25/2011 House—Final Action - Passed as amended; Yea: 83 Nay: 36—HJ 397
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred separately to Committee on Ethics and Elections and
          Committee on Judiciary—SJ 280
    03/16/2011 Senate—Withdrawn from Committee on Ethics and Elections; Rereferred to
          Committee on Ethics and Elections—SJ 364
    03/21/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Ethics and Elections—SJ 392
    03/22/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 469
    03/23/2011 Senate—Final Action - Passed as amended; Yea: 36 Nay: 3—SJ 474
    03/23/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Schwab, Representative Goico and Representative Mah as
          conferees—HJ 716
    03/28/2011 Senate—Motion to accede adopted; Senator Huntington, Senator V. Schmidt
          and Senator Faust-Goudeau appointed as conferees—SJ 519
    03/29/2011 House—Concurred with amendments in conference; Yea: 111 Nay: 11—HJ
    04/18/2011 House—Approved by Governor on Monday, 18 April 2011—HJ 882
H 2068
          Bill by Judiciary
    Amending the Kansas power of attorney act regarding durable power of attorney and
    duties of the attorney in fact.
    01/24/2011 House—Introduced—HJ 103
    01/25/2011 House—Referred to Committee on Judiciary—HJ 109
          Bill by Judiciary
    Enacting the Kansas adverse medical outcome transparency act.
    01/24/2011 House—Introduced—HJ 104
    01/25/2011 House—Referred to Committee on Judiciary—HJ 109 02/22/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Judiciary—HJ 320
    02/24/2011 House—Committee of the Whole - Be passed—HJ 360
    02/25/2011 House—Final Action - Passed; Yea: 118 Nay: 1—HJ 397
    03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Judiciary—SJ 280
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Ways and Means—SJ 508

Bill by Judiciary

H 2070

03/23/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on

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Eminent domain; appraisers' award; notification and restriction.
    01/24/2011 House—Introduced—HJ 104
    01/25/2011 House-Referred to Committee on Judiciary-HJ 109
    02/08/2011 House—Committee Report recommending bill be passed by Committee on
           Judiciary—HJ 206
    02/11/2011 House—Committee of the Whole - Be passed as amended—HJ 239
    02/14/2011 House—Final Action - Passed as amended; Yea: 82 Nay: 38—HJ 253
    02/14/2011 Senate—Received and Introduced—SJ 161
    02/15/2011 Senate—Referred to Committee on Judiciary—SJ 194
H 2071
           Bill by Judiciary
    Senate Substitute for HB 2071 by Committee on Judiciary -- Civil commitment of
    sexually violent predators; reimbursement for costs related to habeas corpus actions
    to the county from the sexually violent predator expense fund; amending the rules of
    evidence regarding expert testimony.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Judiciary—HJ 109
    02/08/2011 House—Committee Report recommending bill be passed by Committee on
           Judiciary—HJ 206
    02/16/2011 House—Committee of the Whole - Be passed—HJ 267
    02/17/2011 House—Final Action - Passed; Yea: 100 Nay: 19—HJ 277
    02/17/2011 Senate—Received and Introduced—SJ 206
    02/18/2011 Senate—Referred to Committee on Judiciary—SJ 212
    03/17/2011 Senate—Committee Report recommending substitute bill be passed by
           Committee on Judiciary—SJ 381
    03/22/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 434
    03/23/2011 Senate—Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 475
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Kinzer, Representative Patton and Representative Pauls as
          conferees-HJ 723
    03/29/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator
          Haley appointed as conferees—SJ 524
    05/09/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 745
    05/10/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ
    05/19/2011 House—Approved by Governor on Thursday, 19 May 2011—HJ 1662
          Bill by Judiciary
    Civil procedure, commercial property liens; state construction registry, notice of
    commencement and notice of furnishings.
    01/24/2011 House—Introduced—HJ 104
    01/25/2011 House—Referred to Committee on Judiciary—HJ 109
          Bill by Judiciary
    Concerning the assessment of an order of support of a child.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Judiciary—HJ 109
           Bill by Insurance
    Rate filings; disclosure of trade secrets or copyrighted material.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Insurance—HJ 109
    02/15/2011 House—Committee Report recommending bill be passed and placed on
           Consent Calendar by Committee on Insurance—HJ 261
    02/18/2011 House—Final Action - Passed; Yea: 112 Nay: 5—HJ 285 02/21/2011 Senate—Received and Introduced—SJ 218
                         (SJ & HJ Nos. refer to 2011 Senate and House Journals)
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02/22/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
    03/16/2011 Senate—Committee Report recommending bill be passed and placed on
           Consent Calendar by Committee on Financial Institutions and Insurance—SJ 367
    03/21/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 400
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
H 2075
           Bill by Insurance
    Insurance; group life insurance; review of adverse health care decisions; uninsurable
    health insurance plan act; exclusion of abortion coverage.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Insurance—HJ 109
    02/22/2011 House—Committee Report recommending bill be passed by Committee on
           Insurance—HJ 315
    02/24/2011 House—Committee of the Whole - Be passed—HJ 359
    02/25/2011 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 398
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
    03/14/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Financial Institutions and Insurance—SJ 320
    03/21/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 392
    03/21/2011 Senate—Emergency Final Action - Passed as amended; Yea: 36 Nay: 3—SJ
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Shultz, Representative Hermanson and Representative
          Grant as conferees—HJ 723
    03/29/2011 Senate—Motion to accede adopted; Senator Teichman, Senator Masterson and
           Senator A. Schmidt appointed as conferees—SJ 529
    05/12/2011 Senate—Chair ruled subject failed to comply with Joint Rule 3(f).—SJ 947
    05/12/2011 Senate—Ruling of the chair challenged.—SJ 947
    05/12/2011 Senate—Chair overruled. 18-21 Yea: 18 Nay: 21—SJ 947
    05/12/2011 Senate—Conference Committee Report was adopted; Yea: 28 Nay: 10—SJ
    05/12/2011 House—Conference Committee Report not adopted; Representative Shultz,
           Representative Hermanson and Representative Grant appointed as 2nd conferees—
          HJ 1281
    05/12/2011 House-Motion to Reconsider Adopted-HJ 1658
    05/12/2011 House—Conference Committee Report was adopted; Yea: 86 Nay: 30—HJ
    05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
          Bill by Insurance
H 2076
    Insurance; reporting requirements for certain insurance pools; limitation on anti-
    fraud division record disclosures Surplus Lines Insurance Multi-State Compliance
    Compact; surplus lines insurance.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Insurance—HJ 109
    02/22/2011 House—Committee Report recommending bill be passed by Committee on
           Insurance—HJ 315
    02/24/2011 House—Committee of the Whole - Be passed—HJ 359 02/25/2011 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 398 03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
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03/15/2011 Senate—Committee Report recommending bill be passed as amended by

Committee on Financial Institutions and Insurance—SJ 352

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03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 369
    03/17/2011 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 378
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Shultz, Representative Hermanson and Representative
          Grant as conferees—HJ 591
    03/21/2011 Senate—Motion to accede adopted; Senator Teichman, Senator Masterson and
          Senator A. Schmidt appointed as conferees—SJ 404
    03/30/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 2—SJ 549
    04/27/2011 House—Conference Committee Report was adopted; Yea: 82 Nay: 39—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
H 2077
          Bill by Insurance
    Amending the provisions of the Kansas uninsurable health insurance plan act.
    01/24/2011 House—Introduced—HJ 104
    01/25/2011 House—Referred to Committee on Insurance—HJ 109
    02/22/2011 House—Committee Report recommending bill be passed by Committee on
          Insurance—HJ 315
    02/24/2011 House—Committee of the Whole - Be passed—HJ 360
    02/25/2011 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 399
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
    03/23/2011 Senate—Withdrawn from Committee on Financial Institutions and Insurance;
          Referred to Committee on Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
          Committee on Financial Institutions and Insurance—SJ 512
    05/12/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Financial Institutions and Insurance—SJ 875
    05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Financial
          Institutions and Insurance—SJ 1296
H 2078
          Bill by Education
    State schools for the deaf and blind; authorization to contract for training programs
    vear round.
    01/24/2011 House-Introduced-HJ 104
    01/25/2011 House—Referred to Committee on Education—HJ 109
    02/08/2011 House—Committee Report recommending bill be passed by Committee on
          Education—HJ 206
    02/10/2011 House—Committee of the Whole - Be passed—HJ 223
    02/11/2011 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 235
   02/14/2011 Senate—Received and Introduced—SJ 161
02/15/2011 Senate—Referred to Committee on Education—SJ 194
03/10/2011 Senate—Committee Report recommending bill be passed by Committee on
          Education—SJ 309
    03/16/2011 Senate—Committee of the Whole - Be passed—SJ 369
    03/17/2011 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 378
    03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719
H 2079
          Bill by Education
    Authorizing transportation of students residing on Fort Leavenworth military
    reservation.
    01/24/2011 House—Introduced—HJ 104
    01/25/2011 House—Referred to Committee on Education—HJ 109
          Bill by Elections
    Senate Substitute for HB 2080 by Committee on Ethics and Elections -- Election and
    campaign finance charges.
    01/24/2011 House-Introduced-HJ 104
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01/25/2011 House—Referred to Committee on Elections—HJ 109
02/11/2011 House—Committee Report recommending bill be passed as amended by
      Committee on Elections—HJ 239
02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 391
02/25/2011 House—Final Action - Passed as amended; Yea: 65 Nay: 54—HJ 399
03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Ethics and Elections—SJ 280
03/21/2011 Senate—Committee Report recommending substitute bill be passed by
      Committee on Ethics and Elections—SJ 392
03/23/2011 Senate—Committee of the Whole - Referred to Committee on Ways and
      Means—SJ 508
03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
      Committee on Ethics and Elections—SJ 519
03/30/2011 Senate—Committee Report recommending bill be further amended and be
      passed as amended by Committee on Ethics and Elections—SJ 575
04/01/2011 Senate—Committee of the Whole - Substitute bill be passed
04/01/2011 Senate—Emergency Final Action - Substitute passed as amended; Yea: 37
      Nay: 1—SJ 610
05/03/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Schwab, Representative Goico and Representative Mah as
      conferees-HJ 970
05/03/2011 Senate—Motion to accede adopted; Senator Huntington, Senator V. Schmidt
      and Senator Kultala appointed as conferees—SJ 664
05/12/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 1—SJ 856
05/12/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ
05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
      Bill by Health and Human Services
Special hospitals required to provide emergency services.
01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Health and Human Services—HJ 109
      Bill by Health and Human Services
Inspections of medical gas piping systems in hospitals.
01/25/2011 House—Introduced—HJ 108
01/26/2011 House—Referred to Committee on Health and Human Services—HJ 114
02/08/2011 House—Committee Report recommending bill be passed and placed on
      Consent Calendar by Committee on Health and Human Services—HJ 206
02/11/2011 House—Final Action - Passed; Yea: 116 Nay: 2—HJ 234
02/14/2011 Senate-Received and Introduced-SJ 161
02/15/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 194
03/15/2011 Senate—Committee Report recommending bill be passed and placed on
       Consent Calendar by Committee on Public Health and Welfare—SJ 354
03/21/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 400 04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
      Bill by Health and Human Services
Relating to prefinanced funeral agreements.
01/25/2011 House—Introduced—HJ 108
01/26/2011 House—Referred to Committee on Health and Human Services—HJ 114
02/08/2011 House—Committee Report recommending bill be passed by Committee on
      Health and Human Services—HJ 206
02/10/2011 House—Committee of the Whole - Be passed—HJ 223 02/11/2011 House—Final Action - Passed; Yea: 117 Nay: 1—HJ 236
02/14/2011 Senate—Received and Introduced—SJ 161
02/15/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 194
03/11/2011 Senate—Committee Report recommending bill be passed and placed on
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Consent Calendar by Committee on Public Health and Welfare—SJ 311
    03/17/2011 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 375
    03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719
          Bill by Local Government
    Consolidation of cities and counties by dual majority vote.
    01/25/2011 House—Introduced—HJ 108
    01/26/2011 House—Referred to Committee on Local Government—HJ 114
          Bill by Insurance
    Requiring title companies owned by a title insurer to have an annual audit of its
    escrow, settlement and closing deposit accounts conducted by a certified public
    accountant.
    01/25/2011 House-Introduced-HJ 108
    01/26/2011 House—Referred to Committee on Insurance—HJ 114
          Bill by Joint Pensions, Investments, and Benefits
    Increasing KPERS employer contribution rate cap.
    01/25/2011 House—Introduced—HJ 108
    01/26/2011 House—Referred to Committee on Pensions and Benefits—HJ 114
          Bill by Representatives Mast, Arpke, Boman, Brunk, Carlson, Collins, Crum,
    DeGraaf, Donohoe, Fund, Garber, Gonzalez, Goodman, Gregory, Grosserode, Hermanson,
    Hoffman, M. Holmes, Howell, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland,
    Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Rhoades,
    Rubin, Ryckman, Scapa, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Vickrey, Weber
    Concerning the protection of rights granted under the constitution.
    01/25/2011 House—Introduced—HJ 108
    01/26/2011 House—Referred to Committee on Judiciary—HJ 114
    02/18/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on
          Appropriations—HJ 285
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Judiciary—HJ 340
    03/10/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—HJ 452
    03/29/2011 House—Committee of the Whole - Be passed as amended—HJ 793
    03/30/2011 House—Final Action - Passed as amended; Yea: 122 Nav: 2—HJ 823
    03/30/2011 Senate—Received and Introduced—SJ 580
    03/31/2011 Senate—Referred to Committee on Judiciary—SJ 584
          Bill by Commerce and Economic Development
    Municipalities; sprinkler systems, residential housing; changes.
    01/25/2011 House-Introduced-HJ 108
    01/26/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 114
    01/28/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Commerce and Economic Development—HJ 128
    02/04/2011 House—Committee of the Whole - Motion to rerefer to committee failed
    02/04/2011 House—Motion to lay on table not adopted;
    02/04/2011 House—Committee of the Whole - Be passed as amended—HJ 161
    02/07/2011 House-Final Action - Passed as amended; Yea: 107 Nay: 14-HJ 180
    02/09/2011 Senate—Received and Introduced—SJ 143 02/10/2011 Senate—Referred to Committee on Local Government—SJ 150
H 2089
          Bill by Federal and State Affairs
    Hunting; relating to hunting dogs; permitting owners to retrieve their dogs from
    posted land.
    01/25/2011 House—Introduced—HJ 108
    01/26/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
H 2090
          Bill by Education
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Providing bus transportation for school children subjected to hazardous walking conditions. 01/25/2011 House—Introduced—HJ 112 01/26/2011 House—Referred to Committee on Education Budget—HJ 114

Bill by Representatives Kinzer, Brown, Collins, Donohoe, Garber, Goodman,

Gregory, Grosserode, Hildabrand, Howell, Kiegerl, Landwehr, Meigs, Montgomery, O'Brien, O'Hara, Osterman, Patton, Rubin, Scapa, Smith, Suellentrop

Decreasing rate of sales and compensating use tax.

01/25/2011 House—Introduced—HJ 112

01/26/2011 House-Referred to Committee on Taxation-HJ 114

03/07/2011 House—Committee Report recommending bill be passed by Committee on Taxation—HJ 428

03/17/2011 House—Committee of the Whole - Motion to recommend favorably for passage failed Yea: 39 Nay: 80-HJ 538

Bill by Transportation H 2092

Employment security law; benefits for school bus drivers.

01/26/2011 House—Introduced—HJ 114

01/27/2011 House—Referred to Committee on Commerce and Economic Development— HJ 120

H 2093 Bill by Transportation

Kansas highway patrol; vehicle inspection fees.

01/26/2011 House—Introduced—HJ 114

01/27/2011 House—Referred to Committee on Transportation—HJ 120

02/14/2011 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 254

02/18/2011 House—Committee of the Whole - Motion to recommend favorably for passage failed—HJ 288

03/02/2011 House—Stricken from Calendar by Rule 1507—HJ 416

Bill by Health and Human Services

Vaccinations; exemption from getting based on reasons of conscience or personal belief.

01/26/2011 House-Introduced-HJ 114

01/27/2011 House—Referred to Committee on Health and Human Services—HJ 120

Bill by Health and Human Services School sports head injury prevention act.

01/26/2011 House—Introduced—HJ 114

01/27/2011 House—Referred to Committee on Health and Human Services—HJ 120

Bill by Vision 2020

Providing for a coordinated water data repository system; granting preservation easements; drinking water costs in water plan storage rates.

01/26/2011 House—Introduced—HJ 114 01/27/2011 House—Referred separately to Committee on Vision 2020 and Committee on Agriculture and Natural Resources—HJ 120

Bill by Energy and Utilities

Agricultural ethyl alcohol incentive; extension.

01/26/2011 House—Introduced—HJ 114 01/27/2011 House—Referred to Committee on Energy and Utilities—HJ 120

Bill by Corrections and Juvenile Justice

Making methamphetamine precursors schedule III prescription drugs.

01/26/2011 House—Introduced—HJ 114 01/27/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 120 Bill by Agriculture and Natural Resources

Creation of the Kansas goat council.

01/26/2011 House—Introduced—HJ 114 01/27/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ

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120
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H 2100 Bill by Education

School districts; finance; supplemental general state aid; consolidated districts.

01/26/2011 House—Introduced—HJ 116

01/27/2011 House—Referred to Committee on Education Budget—HJ 120

Bill by Representatives Kinzer, Collins, Gregory, Huebert, Kelley, Mast, Meigs, O'Brien, O'Hara, Patton, Peck, Rhoades, Rubin, Ryckman, Siegfreid, Suellentrop, B. Wolf Court of appeals judges appointed by the governor, confirmed by the Senate;

eliminating the nominating commission for the court of appeals appointments.

01/26/2011 House—Introduced—HJ 116

01/27/2011 House-Referred to Committee on Judiciary-HJ 120

02/22/2011 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 320

02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 360

02/25/2011 House—Final Action - Passed as amended; Yea: 66 Nay: 53—HJ 400

03/02/2011 Senate—Received and Introduced—SJ 275 03/03/2011 Senate—Referred to Committee on Judiciary—SJ 280

Bill by Judiciary

Concerning open records; relating to nondisclosure of certain records.

01/26/2011 House—Introduced—HJ 116 01/27/2011 House—Referred to Committee on Judiciary—HJ 120

Bill by Children and Families

Child in need of care; termination of parents' rights.

01/26/2011 House—Introduced—HJ 117 01/27/2011 House—Referred separately to Committee on Children and Families and Committee on Judiciary—HJ 120

Bill by Corrections and Juvenile Justice H 2104

Creating a mental health confidentiality exception for law enforcement upon arrest.

01/26/2011 House—Introduced—HJ 117

01/27/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 120

02/16/2011 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 268

02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319

02/23/2011 House—Final Action - Passed as amended; Yea: 112 Nay: 9—HJ 331

02/23/2011 Senate—Received and Introduced—SJ 246

02/24/2011 Senate—Referred to Committee on Judiciary—SJ 249

03/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 398

03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 434

03/23/2011 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 475

03/28/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Colloton, Representative Kinzer and Representative McCray-Miller as conferees—HJ 723

03/29/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator Haley appointed as conferees—SJ 524

04/01/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 599 04/27/2011 House—Conference Committee Report was adopted; Yea: 91 Nay: 31—HJ

05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260

Bill by Children and Families

Children in need of care; relating to removal of child from parent's custody.

01/26/2011 House—Introduced—HJ 117

01/27/2011 House—Referred to Committee on Children and Families—HJ 120

02/22/2011 House—Committee Report recommending bill be passed by Committee on Children and Families—HJ 313

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02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 360
    02/25/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 401
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Judiciary—SJ 280
    03/08/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Judiciary—SJ 297
    03/15/2011 Senate—Committee of the Whole - Be passed as amended—SJ 357
    03/15/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    03/23/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Kiegerl, Representative B. Wolf and Representative S.
          Gatewood as conferees—HJ 697
    03/28/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator
          Haley appointed as conferees—SJ 520
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 600
    04/27/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260
          Bill by Federal and State Affairs
    Concerning trespass and liability; exceptions.
    01/26/2011 House—Introduced—HJ 117
01/27/2011 House—Referred to Committee on Judiciary—HJ 120
H 2107
          Bill by Federal and State Affairs
    Community defense act; sexually oriented businesses regulations.
    01/26/2011 House—Introduced—HJ 117
    01/27/2011 House—Referred to Committee on Federal and State Affairs—HJ 120
    02/21/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Federal and State Affairs—HJ 305
    03/08/2011 House—Committee of the Whole - Be passed as amended—HJ 434
    03/09/2011 House—Final Action - Passed as amended; Yea: 91 Nay: 28—HJ 438
    03/09/2011 Senate—Received and Introduced—SJ 299
03/10/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 308
H 2108
          Bill by Aging and Long Term Care
    Transfer of the adult protective services program from the department of Social
    Rehabilitation Services to the attorney general.
    01/26/2011 House—Introduced—HJ 117
    01/27/2011 House—Referred to Committee on Aging and Long Term Care—HJ 120
          Bill by Agriculture and Natural Resources
    Creating the Kansas dam rehabilitation program.
    01/26/2011 House—Introduced—HJ 117
    01/27/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
    02/21/2011 House—Withdrawn from Committee on Agriculture and Natural Resources;
          Referred to Committee on Appropriations—HJ 300
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Agriculture and Natural Resources—HJ 340
H 2110
          Bill by Aging and Long Term Care
    Aged persons; establishing the long-term care ombudsman committee.
    01/27/2011 House—Introduced—HJ 119
01/28/2011 House—Referred to Committee on Aging and Long Term Care—HJ 127
H 2111
          Bill by Children and Families
    Family day care homes; amending statutes to make the 2009 statutes the current law
    regarding family day care homes.
    01/27/2011 House—Introduced—HJ 119
    01/28/2011 House—Referred to Committee on Health and Human Services—HJ 127
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H 2112 Bill by Vision 2020

Increasing state property tax levy for state institutions for caring of certain persons and children.

01/27/2011 House-Introduced-HJ 119

01/28/2011 House—Referred to Committee on Taxation—HJ 127

Bill by Vision 2020

Increasing state property tax levy for institutions of higher learning.

01/27/2011 House—Introduced—HJ 119

01/28/2011 House—Referred to Committee on Taxation—HJ 127

Bill by Vision 2020

Decreasing service time for vesting to 10 years under tier II of the Kansas police and firemen's retirement system.

01/27/2011 House—Introduced—HJ 119

01/28/2011 House—Referred to Committee on Pensions and Benefits—HJ 127

Bill by Representative Sloan

Adding several person and property crimes to offenses and conduct giving rise to civil forteiture.

01/27/2011 House—Introduced—HJ 120

01/28/2011 House—Referred to Committee on Judiciary—HJ 127

Bill by Vision 2020

Establishing state property tax levy for state water infrastructure maintenance, construction, renovation and acquisition.

01/27/2011 House—Introduced—HJ 120

01/28/2011 House—Referred to Committee on Taxation—HJ 127

H 2117 Bill by Taxation

> Removal of outdated sales tax imposition language, and retention of payroll withholding taxes by certain qualified companies.

01/27/2011 House—Introduced—HJ 120 01/28/2011 House—Referred to Committee on Taxation—HJ 127

02/04/2011 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 164

03/18/2011 House—Committee of the Whole - Be passed as amended—HJ 568

03/21/2011 House—Final Action - Passed as amended; Yea: 115 Nay: 8—HJ 589

03/22/2011 Senate—Received and Introduced—SJ 432

03/23/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 471

Bill by Corrections and Juvenile Justice

Amending the requirements of offender appearance bonds and supervision costs.

01/27/2011 House—Introduced—HJ 120

01/28/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 127

02/11/2011 House—Committee Report recommending bill be passed as amended by

Committee on Corrections and Juvenile Justice—HJ 243

02/18/2011 House—Committee of the Whole - Be passed as amended—HJ 288 02/21/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 1—HJ 301

02/21/2011 Senate—Received and Introduced—SJ 218

02/22/2011 Senate—Referred to Committee on Judiciary—SJ 224 03/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 398

03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 434

03/23/2011 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 475

03/28/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Colloton, Representative Kinzer and Representative McCray-Miller as conferees—HJ 723

03/29/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator Haley appointed as conferees—SJ 524

03/30/2011 House—Concurred with amendments in conference; Yea: 120 Nay: 0—HJ 828

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04/13/2011 House—Approved by Governor on Wednesday, 13 April 2011—HJ 882
          Bill by Local Government
    Political subdivisions; accident response service fees, limitation on; marking of
    vehicles, exception.
    01/27/2011 House—Introduced—HJ 120
    01/28/2011 House—Referred to Committee on Local Government—HJ 127
    02/21/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Local Government—HJ 306
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 2—HJ 351
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
    03/16/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Financial Institutions and Insurance—SJ 367
    03/21/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 423
    03/21/2011 Senate—Emergency Final Action - Passed as amended; Yea: 24 Nay: 15—SJ
    03/23/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Huebert, Representative Seiwert and Representative Mah
          as conferees-HJ 697
    03/28/2011 Senate—Motion to accede adopted; Senator Teichman, Senator Masterson and
          Senator A. Schmidt appointed as conferees—SJ 520
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 3—SJ 601
    04/27/2011 House—Conference Committee Report not adopted; Representative Huebert,
          Representative Seiwert and Representative Mah appointed as 2nd conferees—HJ
          917
    04/28/2011 Senate—Motion to accede adopted; Senator Teichman, Senator Masterson and
          Senator A. Schmidt appointed as 2nd conferees—SJ 633
    04/29/2011 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 5—SJ 647
    05/02/2011 House—Conference Committee Report was adopted; Yea: 118 Nay: 1—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
H 2120
          Bill by Government Efficiency
    Kansas government effectiveness and efficiency commission act.
    01/28/2011 House—Introduced—HJ 127
    01/31/2011 House—Referred to Committee on Government Efficiency—HJ 134
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Government Efficiency—HJ 325
    02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 360
    02/25/2011 House—Final Action - Passed as amended; Yea: 79 Nay: 40—HJ 401
    03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 280
          Bill by Appropriations
    Designating the coroner of a permit to cremate.
    01/28/2011 House—Introduced—HJ 127
01/31/2011 House—Referred to Committee on Judiciary—HJ 134
          Bill by Energy and Utilities
    Agricultural ethyl alcohol producer incentive fund; extension.
    01/28/2011 House—Introduced—HJ 127
    01/31/2011 House—Referred to Committee on Energy and Utilities—HJ 134
    02/18/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Energy and Utilities—HJ 288
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02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341 02/24/2011 House—Final Action - Passed as amended; Yea: 104 Nay: 17—HJ 352

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02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Utilities—SJ 271
03/02/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on
      Agriculture—SJ 274
03/16/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Agriculture—SJ 366
03/21/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 392
03/21/2011 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 4—SJ
03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative C. Holmes, Representative Knox and Representative
      Kuether as conferees—HJ 724
03/29/2011 Senate—Motion to accede adopted; Senator Taddiken, Senator Teichman and
      Senator Francisco appointed as conferees—SJ 529
03/30/2011 House—Concurred with amendments in conference; Yea: 103 Nay: 17—HJ
04/07/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
      Bill by Representative Sloan
Enacting the Kansas adverse medical outcome transparency act.
01/28/2011 House—Introduced—HJ 127
01/31/2011 House-Referred to Committee on Judiciary-HJ 134
      Bill by Representative Cassidy
Certified public accountants; allowing professional corporations to practice in
partnership with other corporations or individuals and register with the board of
accountancy as a partnership.
01/28/2011 House—Introduced—HJ 127
01/31/2011 House—Referred to Committee on Financial Institutions—HJ 134
02/16/2011 House—Committee Report recommending bill be passed as amended by
      Committee on Financial Institutions—HJ 268
02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319
02/23/2011 House-Final Action - Passed as amended; Yea: 120 Nay: 1-HJ 331
02/23/2011 Senate—Received and Introduced—SJ 246
02/24/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
03/21/2011 Senate—Committee Report recommending bill be passed by Committee on
      Financial Institutions and Insurance—SJ 391
03/22/2011 Senate—Committee of the Whole - Be passed—SJ 434
03/23/2011 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 476
04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
      Bill by Commerce and Economic Development
Professional regulated sports act; civil penalties, violations, fees and rules and
01/28/2011 House—Introduced—HJ 127
01/31/2011 House—Referred to Committee on Commerce and Economic Development—
      HJ 134
02/18/2011 House—Committee Report recommending bill be passed by Committee on
      Commerce and Economic Development—HJ 288
02/25/2011 House—Committee of the Whole - Be passed—HJ 394
02/25/2011 House—Emergency Final Action - Passed; Yea: 97 Nay: 22—HJ 410
03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 280 03/18/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Public Health and Welfare—SJ 388
03/22/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 437
03/23/2011 Senate—Final Action - Passed as amended; Yea: 34 Nay: 5—SJ 476
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03/29/2011 House—Concurred with amendments; Yea: 102 Nay: 20—HJ 786
04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
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H 2126 Bill by Representatives Huebert, Arpke, Billinger, Boman, Brown, Brunk, Crum, DeGraaf, Donohoe, Fund, Garber, Goico, Gonzalez, Gregory, Hedke, Hermanson, Hildabrand, M. Holmes, Howell, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Prescott, Rhoades, Rubin, Scapa, Seiwert, Siegfreid, Swanson, Vickrey, Ryckman

Elections; municipalities; primary and general election date change.

01/28/2011 House—Introduced—HJ 129

01/31/2011 House—Referred to Committee on Elections—HJ 134

H 2127 Bill by Federal and State Affairs Municipalities; demand coordination by federal government and state government; regulations, policies.

01/28/2011 House—Introduced—HJ 130

01/31/2011 House—Referred to Committee on Local Government—HJ 134

Bill by Elections

Restricting candidate appearances in public service announcements or advertisements prior to an election.

01/31/2011 House—Introduced—HJ 132

02/03/2011 House—Referred to Committee on Elections—HJ 148

02/11/2011 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 239

02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 369

02/25/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 402

03/02/2011 Senate—Received and Introduced—SJ 275

03/03/2011 Senate—Referred to Committee on Ethics and Elections—SJ 280

03/23/2011 Senate—Withdrawn from Committee on Ethics and Elections; Referred to Committee on Ways and Means-SJ 509

Bill by Representatives Landwehr, Mosier, Denning, Rubin, Alford, Arpke, Boman, H 2129 Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, DeGraaf, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades, Ryckman, Scapa, Schwartz, Seiwert, Siegfreid, Smith, Spalding, Suellentrop, Vickrey, B. Wolf, K. Wolf, Worley

Enacting the health care freedom act.

01/31/2011 House—Introduced—HJ 132

02/03/2011 House—Referred to Committee on Health and Human Services—HJ 148

02/04/2011 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 163

02/23/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations -HJ 344

Bill by Commerce and Economic Development

Labor organizations; political activity.

01/31/2011 House—Introduced—HJ 134

02/03/2011 House—Referred to Committee on Commerce and Economic Development— HJ 148

02/18/2011 House—Committee Report recommending bill be passed by Committee on Commerce and Economic Development—HJ 288

02/23/2011 House—Committee of the Whole - Be passed Yea: 80 Nay: 36—HJ 337

02/24/2011 House—Final Action - Passed; Yea: 75 Nay: 46—HJ 352

02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Ethics and Elections—SJ 270

03/08/2011 Senate—Withdrawn from Committee on Ethics and Elections; Referred

03/15/2011 Senate—Committee Report recommending bill be passed as amended by

Separately to Committee on Commerce and Committee on Ethics and Elections—SJ

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Committee on Commerce —SJ 351
    03/15/2011 Senate—Now in Committee on Ethics and Elections
          Bill by Commerce and Economic Development
    Misclassification of employees.
    01/31/2011 House—Introduced—HJ 134
    02/03/2011 House—Referred to Committee on Commerce and Economic Development—
          HI 148
H 2132
          Bill by Veterans, Military and Homeland Security
    Senate Substitute for HB 2132 by Committee on Transportation -- Issuance of Family
    of the Fallen license plates.
    01/31/2011 House—Introduced—HJ 134
    02/03/2011 House—Referred to Committee on Transportation—HJ 148
    02/16/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Transportation—HJ 269
    02/18/2011 House—Committee of the Whole - Be passed as amended—HJ 288
    02/21/2011 House—Final Action - Passed as amended; Yea: 118 Nay: 2—HJ 301
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Transportation—SJ 224
    03/16/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Transportation—SJ 367
    03/21/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 392
    03/21/2011 Senate—Emergency Final Action - Substitute passed; Yea: 34 Nay: 5—SJ 429
    03/30/2011 House—Concurred with amendments; Yea: 117 Nay: 0—HJ 832
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
          Bill by Joint Special Claims Against the State
    Senate Substitute for HB 2133 by Committee on Ways and Means -- State funds;
    relating to moneys recovered from water litigation; relating to funding for local
    health departments.
    01/31/2011 House—Introduced—HJ 135
    02/03/2011 House—Referred to Committee on Appropriations—HJ 148
    02/14/2011 House—Committee Report recommending bill be passed by Committee on
           Appropriations—HJ 253
    03/09/2011 House—Committee of the Whole - Be passed as amended—HJ 439
    03/10/2011 House-Final Action - Passed as amended; Yea: 76 Nay: 42-HJ 449
    03/10/2011 Senate—Received and Introduced—SJ 309
    03/11/2011 Senate—Referred to Committee on Ways and Means—SJ 310
    03/22/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Ways and Means—SJ 433
    03/23/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 481 03/23/2011 Senate—Emergency Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 504
    03/29/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Powell, Representative Kerschen and Representative
          Williams as conferees—HJ 786
    03/29/2011 Senate—Motion to accede adopted; Senator Taddiken, Senator Teichman and
          Senator Francisco appointed as conferees—SJ 529
   04/28/2011 House—Concurred with amendments in conference; Yea: 107 Nay: 9—HJ 930 05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
H 2134
          Bill by Commerce and Economic Development
    Substitute HB 2134 by Committee on Commerce and Economic Development -
    Amending the workers compensation act.
    01/31/2011 House—Introduced—HJ 135
    02/03/2011 House—Referred to Committee on Commerce and Economic Development—
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HJ 148
02/14/2011 House—Committee Report recommending substitute bill be passed by
      Committee on Commerce and Economic Development—HJ 253
02/16/2011 House—Committee of the Whole - Be passed as amended—HJ 268
02/17/2011 House—Final Action - Passed as amended; Yea: 90 Nay: 29—HJ 277
02/17/2011 Senate—Received and Introduced—SJ 206
02/18/2011 Senate—Referred to Committee on Commerce—SJ 212
03/14/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Commerce—ŜJ 316
03/21/2011 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ
03/21/2011 Senate—Emergency Final Action - Substitute passed as amended; Yea: 39
      Nay: 0-SJ 429
03/29/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Brown, Representative Suellentrop and Representative
      Slattery as conferees—HJ 786
03/29/2011 Senate—Motion to accede adopted; Senator Wagle, Senator Lynn and Senator
      Holland appointed as conferees—SJ 529
04/01/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—SJ 613
04/01/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ
04/18/2011 House—Approved by Governor on Monday, 18 April 2011—HJ 882
      Bill by Commerce and Economic Development
Subsitute HB 2135 by Committee on Commerce and Economic Development --
Misclassification of employees to avoid tax withholding, contributions and reporting
requirements.
01/31/2011 House—Introduced—HJ 135
02/03/2011 House—Referred to Committee on Commerce and Economic Development—
      HJ 148
02/22/2011 House—Committee Report recommending substitute bill be passed by
      Committee on Commerce and Economic Development—HJ 313
02/24/2011 House—Committee of the Whole - Be passed—HJ 369
02/25/2011 House—Final Action - Passed; Yea: 85 Nay: 34—HJ 402
03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Commerce—SJ 280 03/21/2011 Senate—Withdrawn from Committee on Commerce; Referred to Committee
      on Ways and Means-SJ 391
03/21/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
      Committee on Commerce—SJ 430
03/30/2011 Senate—Committee Report recommending bill be passed as amended by
      Committee on Commerce—SJ 581
04/01/2011 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ
04/01/2011 Senate—Emergency Final Action - Substitute passed as amended; Yea: 36
      Nay: 2-SJ 611
05/03/2011 House—Concurred with amendments; Yea: 89 Nay: 35—HJ 975 05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
      Bill by Health and Human Services
Prohibiting health insurance plans from creating specialty tiers within their
prescription medication benefits and prohibiting a discriminatory practice relating to
prescription medications.
02/03/2011 House—Introduced—HJ 148
02/04/2011 House—Referred to Committee on Insurance—HJ 160
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137 Bill by Children and Families

Enacting the protective parent reform act.

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02/03/2011 House—Introduced—HJ 156
    02/04/2011 House—Referred to Committee on Children and Families—HJ 160
H 2138
          Bill by Corrections and Juvenile Justice
    Expanding crime of burglary to include entering to commit certain domestic crimes.
    02/03/2011 House—Introduced—HJ 156
02/04/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 160
H 2139
          Bill by Insurance
    Insurance; rate and rate modifications for workers compensation insurance;
    authorizing Kansas State Fair to purchase workers compensation insurance.
    02/03/2011 House—Introduced—HJ 156
    02/04/2011 House—Referred to Committee on Insurance—HJ 160
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Insurance—HJ 315
    02/25/2011 House—Committee of the Whole - Be passed as amended—HJ 396
    02/25/2011 House—Emergency Final Action - Passed as amended; Yea: 114 Nay: 5—HJ
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ
    03/18/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Financial Institutions and Insurance—SJ 385
    03/23/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 482
    03/23/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    03/29/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Shultz, Representative Hermanson and Representative
          Grant as conferees—HJ 787
    03/29/2011 Senate—Motion to accede adopted; Senator Teichman, Senator Masterson and
          Senator A. Schmidt appointed as conferees—SJ 529
    05/12/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 948
    05/12/2011 House—Conference Committee Report not adopted; Representative Shultz,
          Representative Hermanson and Representative Grant appointed as 2nd conferees—
          HJ 1285
    05/12/2011 House—Motion to Reconsider Adopted—HJ 1659
    05/12/2011 House—Conference Committee Report was adopted; Yea: 118 Nay: 0—HJ
    05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
          Bill by Special Legislative Streamlining
    Repealing certain expired committees, task forces and reports to the legislature.
    02/03/2011 House—Introduced—HJ 156
    02/04/2011 House—Referred to Committee on Government Efficiency—HJ 160
    02/15/2011 House—Committee Report recommending bill be passed by Committee on
          Government Efficiency—HJ 261
    02/17/2011 House—Committee of the Whole - Be passed—HJ 278 02/18/2011 House—Final Action - Passed; Yea: 118 Nay: 0—HJ 287
    02/21/2011 Senate—Received and Introduced—SJ 218
02/22/2011 Senate—Referred to Committee on Ways and Means—SJ 224
          Bill by Energy and Utilities
    Concerning property; requiring wind and solar agreements to run with surface
    02/03/2011 House—Introduced—HJ 156
    02/04/2011 House—Referred to Committee on Energy and Utilities—HJ 160
    02/17/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Energy and Utilities—HJ 279
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319
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02/23/2011 House-Final Action - Passed as amended; Yea: 117 Nay: 4-HJ 332
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Utilities—SJ 249
    03/23/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on
          Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
          Committee on Utilities—SJ 512
    03/28/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on
          Local Government—SJ 512
    03/30/2011 Senate—Withdrawn from Committee on Local Government; Rereferred to
          Committee on Utilities—SJ 545
H 2142
          Bill by Children and Families
    Children in need of care; court's authority.
    02/03/2011 House—Introduced—HJ 157
    02/04/2011 House—Referred to Committee on Judiciary—HJ 160
          Bill by Energy and Utilities
    Electric generation, transmission and distribution; relating to recovery of costs for
    energy storage devices.
    02/04/2011 House—Introduced—HJ 160
    02/07/2011 House—Referred to Committee on Energy and Utilities—HJ 171
H 2144
          Bill by Energy and Utilities
    Natural gas public utilities; rates and charges.
    02/04/2011 House-Introduced-HJ 160
    02/07/2011 House—Referred to Committee on Energy and Utilities—HJ 171
H 2145
          Bill by Aging and Long Term Care
    Concerning orders for relief of abuse.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Judiciary—HJ 171
H 2146
          Bill by Representative Grange
    Designating the official gemstone of the state of Kansas.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
          Bill by Aging and Long Term Care
    Relating to the definition of a home plus residence or facility.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Aging and Long Term Care—HJ 171
    02/22/2011 House—Committee Report recommending bill be passed by Committee on
          Aging and Long Term Care—HJ 312
    02/24/2011 House—Committee of the Whole - Be passed—HJ 360 02/25/2011 House—Final Action - Passed; Yea: 111 Nay: 8—HJ 403
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 280 03/18/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Public Health and Welfare—SJ 388
    03/22/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 469
    03/23/2011 Senate—Final Action - Passed as amended; Yea: 33 Nay: 6—SJ 476
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Bethell, Representative Worley and Representative
          Flaharty as conferees—HJ 724
    03/29/2011 Senate—Motion to accede adopted; Senator V. Schmidt, Senator Brungardt
          and Senator Kelly appointed as conferees—SJ 524
    03/30/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 573
    04/27/2011 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ
          918
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05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260
H 2148
          Bill by Aging and Long Term Care
    Increasing the certification requirements for continuing care retirement facilities.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Aging and Long Term Care—HJ 171
          Bill by Agriculture and Natural Resources Budget Committee
    Senate Substitute for HB 2149 by Committee on Ways and Means -- University
    engineering initiative act.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Agriculture and Natural Resources Budget
           -HJ 171
    02/18/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Agriculture and Natural Resources Budget—HJ 288
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 337
    02/24/2011 House-Final Action - Passed as amended; Yea: 91 Nay: 30-HJ 354
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Ways and Means—SJ 271
    03/21/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Ways and Means—SJ 405
    03/22/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 439
    03/23/2011 Senate—Final Action - Substitute passed; Yea: 28 Nay: 11—SJ 477
    03/28/2011 House—Ruled materially changed and referred to Committee on
          Appropriations—HJ 721
H 2150
          Bill by Commerce and Economic Development
    Consumer protection; relating to automatic renewals.
    02/04/2011 House—Introduced—HJ 165
02/07/2011 House—Referred to Committee on Judiciary—HJ 171
          Bill by Corrections and Juvenile Justice
    Concerning crimes; criminal procedure and punishment; relating to breach of
    privacy and blackmail.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 171
    02/18/2011 House—Committee Report recommending bill be passed by Committee on
          Corrections and Juvenile Justice—HJ 288
    02/22/2011 House—Committee of the Whole - Be passed—HJ 319
    02/23/2011 House—Final Action - Passed; Yea: 115 Nay: 6—HJ 332
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Judiciary—SJ 249
    03/07/2011 Senate—Committee Report recommending bill be passed by Committee on
          Judiciary—SJ 294
    03/15/2011 Senate—Committee of the Whole - Be passed as amended—SJ 358
    03/15/2011 Senate—Emergency Final Action - Passed as amended; Yea: 23 Nay: 14—SJ
    03/18/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Colloton, Representative Kinzer and Representative
          McCray-Miller as conferees—HJ 565
    03/22/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator
          Haley appointed as conferees—SJ 439
    03/30/2011 Senate—Substitute motion to not adopt and appoint a conference committee
          failed.—SJ 574
    03/30/2011 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 8—SJ 574
    04/27/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260
          Bill by Corrections and Juvenile Justice
H 2152
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Amending the provisions of the crime of operating a vessel under the influence.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 171
    02/18/2011 House—Committee Report recommending bill be passed and placed on
          Consent Calendar by Committee on Corrections and Juvenile Justice—HJ 288
    02/22/2011 House—Withdrawn from Consent Calendar and placed on General Orders—
          HJ 309
    02/25/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations
          —HJ 396
          Bill by Elections
H 2153
    Campaign finance; reporting requirements for electioneering communications.
    02/04/2011 House—Introduced—ĤJ 165
    02/07/2011 House—Referred to Committee on Elections—HJ 171
          Bill by Elections
    prohibition outside employment of certain state officials
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Federal and State Affairs—HJ 171
          Bill by Elections
    Elections; restrictions on the use of public service annoucements.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House—Referred to Committee on Elections—HJ 171
          Bill by Representatives Suellentrop, Brown, Brunk, Crum, DeGraaf, Denning,
    Goico, Grange, Hayzlett, Hedke, Hermanson, Hoffman, Huebert, Kelley, Kinzer, Kleeb,
    Landwehr, Mast, McLeland, Montgomery, O'Neal, Osterman, Peck, Powell, Rhoades,
    Scapa, Seiwert, Vickrey, Weber
    Five-year phase out of income tax on corporations.
    02/04/2011 House—Introduced—HJ 165
    02/07/2011 House-Referred to Committee on Taxation-HJ 171
          Bill by Government Efficiency
    Disclosure of tax information to the state treasurer to locate unclaimed property
    owners.
    02/04/2011 House-Introduced-HJ 166
    02/07/2011 House—Referred to Committee on Government Efficiency—HJ 171
    02/14/2011 House—Committee Report recommending bill be passed by Committee on
          Government Efficiency—HJ 254
    02/22/2011 House—Committee of the Whole - Be passed—HJ 319
    02/23/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 333
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 249
    03/23/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to
          Committee on Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
          Committee on Assessment and Taxation—SJ 512
    03/30/2011 Senate—Committee Report recommending bill be passed by Committee on
          Assessment and Taxation—SJ 581
    04/01/2011 Senate—Committee of the Whole - Rereferred to Committee on Assessment
          and Taxation—SJ 591
          Bill by Government Efficiency
    Senate Substitute for HB 2158 by Committee on Ways and Means -- School districts;
    use of funds from tax levies on motor vehicles and recreational vehicles.
    02/04/2011 House-Introduced-HJ 166
    02/07/2011 House-Referred to Committee on Government Efficiency-HJ 171
    02/18/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Government Efficiency—HJ 289
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319
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02/23/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 2—HJ 333
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Ways and Means—SJ 249
    03/28/2011 Senate—Committee Report recommending substitute bill be passed by
           Committee on Ways and Means—SJ 518
    03/29/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 527
    03/29/2011 Senate—Emergency Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 542
           Bill by Health and Human Services
    Physical therapists evaluation and treatment of patients.
    02/04/2011 House—Introduced—HJ 166
    02/07/2011 House—Referred to Committee on Health and Human Services—HJ 171
           Bill by Taxation
    Establishing the simplified state tax structure committee
    02/04/2011 House—Introduced—HJ 166
    02/07/2011 House—Referred to Committee on Taxation—HJ 171
           Bill by Taxation
    Substitute for HB 2161 by Committee on Taxation -- Sourcing of certain retail sales
    for sales tax purposes, and sales tax exemption for game birds.
    02/04/2011 House—Introduced—HJ 166
    02/07/2011 House—Referred to Committee on Taxation—HJ 171
    03/08/2011 House—Committee Report recommending substitute bill be passed by
           Committee on Taxation—HJ 434
    03/29/2011 House—Committee of the Whole - Substitute bill be passed as amended—HJ
    03/30/2011 House—Final Action - Substitute passed as amended; Yea: 69 Nay: 55—HJ
    03/30/2011 Senate—Received and Introduced—SJ 580
    03/31/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 584
H 2162
           Bill by Judiciary
    Concerning expungement of arrest records; docket fee.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 171
H 2163
           Bill by Judiciary
    Amendments to laws regarding racial profiling.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Judiciary—HJ 171
H 2164
           Bill by Energy and Utilities
    Concerning property; relating to ownership of pore space.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Energy and Utilities—HJ 171
           Bill by Taxation
H 2165
    Elimination of certain sales tax exemptions, imposition of sales tax on certain
    services, provision of sales tax exemption for certain purchases of food, and reduction
    of sales tax and certain income tax rates.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Taxation—HJ 171
           Bill by Appropriations
H 2166
    Municipalities; Use of internet as official publication of required notices.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Local Government—HJ 171
           Bill by Agriculture and Natural Resources
H 2167
    Limiting liability of property owners; noncommercial aviation activities.
    02/04/2011 House—Introduced—HJ 166
02/07/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
           171
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H 2168
          Bill by Representative Schwab
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Creating additional benefits for Kansas veterans.

02/04/2011 House—Introduced—HJ 166

02/07/2011 House—Referred separately to Committee on Veterans, Military and Homeland Security, Committee on Taxation, Committee on Veterans, Military and Homeland Security and Committee on Taxation-HJ 171

H 2169 Bill by Transportation

Designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange.

02/07/2011 House—Introduced—HJ 170

02/08/2011 House—Referred to Committee on Transportation—HJ 192

02/16/2011 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 269

02/22/2011 House—Committee of the Whole - Motion to refer to committee failed Committee on Appropriations—HJ 312

02/22/2011 House—Committee of the Whole - Be passed—HJ 312

02/23/2011 House—Final Action - Passed; Yea: 72 Nay: 46—HJ 334

02/23/2011 Senate—Received and Introduced—SJ 246

02/24/2011 Senate—Referred to Committee on Transportation—SJ 249

03/23/2011 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Ways and Means—SJ 508

03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Transportation—SJ 512

Bill by Transportation

Rail service improvement program loans and grants.

02/07/2011 House—Introduced—HJ 170 02/08/2011 House—Referred to Committee on Transportation—HJ 192

Bill by Transportation

United States postal service vehicles; yielding right-of-way.

02/07/2011 House—Introduced—HJ 170

02/08/2011 House—Referred to Committee on Transportation—HJ 192

02/16/2011 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 269

02/18/2011 House—Committee of the Whole - Rereferred to Committee on Transportation -HJ 288

H 2172 Bill by Transportation

Designating the Margaret Long interchange; Eisenhower/Truman Presidential highway.

02/07/2011 House-Introduced-HJ 170

02/08/2011 House—Referred to Committee on Transportation—HJ 192

02/16/2011 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 269

02/18/2011 House—Committee of the Whole - Be passed—HJ 288 02/21/2011 House—Final Action - Passed; Yea: 99 Nay: 21—HJ 302

02/21/2011 Senate—Received and Introduced—SJ 218
02/22/2011 Senate—Referred to Committee on Transportation—SJ 224
03/15/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 354

03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 369

03/17/2011 Senate—Final Action - Passed as amended; Yea: 32 Nay: 5—SJ 379

03/21/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Hayzlett, Representative Prescott and Representative Wetta as conferees—HJ 591

03/21/2011 Senate—Motion to accede adopted; Senator Umbarger, Senator Marshall and Senator Kultala appointed as conferees—SJ 404

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04/01/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 602
    04/27/2011 House—Conference Committee Report was adopted; Yea: 85 Nay: 35—HJ
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1260
          Bill by Transportation
H 2173
    Allowing the Kansas highway patrol to charge fees for certain services; establishing
    the highway patrol privte security fund.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Transportation and Public Safety Budget—
          HJ 192
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Transportation and Public Safety Budget—HJ 318
    02/25/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations
    03/14/2011 House—Withdrawn from Committee on Appropriations; Referred to
          Committee on Transportation and Public Safety Budget—HJ 478
    03/16/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Transportation and Public Safety Budget—HJ 520
H 2174
          Bill by Transportation
    Duty of motorists to maintain 3 foot distance when passing bicyclists.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Transportation—HJ 192
H 2175
          Bill by Transportation
    Abolishing the Highway Advisory Commission.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Government Efficiency—HJ 192
    02/16/2011 House—Committee Report recommending bill be passed by Committee on
          Government Efficiency—HJ 268
    02/18/2011 House—Committee of the Whole - Be passed—HJ 288
    02/21/2011 House—Final Action - Passed; Yea: 120 Nay: 0—HJ 303
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Transportation—SJ 224
    03/03/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Transportation—SJ 282
    03/09/2011 Senate—Committee of the Whole - Be passed as amended—SJ 302
    03/09/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    03/17/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Burgess, Representative Hayzlett and Representative
          Trimmer as conferees—HJ 538
    03/18/2011 Senate—Motion to accede adopted; Senator Umbarger, Senator Marshall and
          Senator Kultala appointed as conferees—SJ 389
          Bill by Taxation
H 2176
    Taxing subdivisions; budget submission date.
    02/07/2011 House—Introduced—HJ 170
02/08/2011 House—Referred to Committee on Taxation—HJ 192
          Bill by Vision 2020
H 2177
    Amendments to school finance formula regarding the statewide levy and the local
    option budget.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Education—HJ 192
          Bill by Representative Sloan
    Granting professional licenses to nonresident military spouses.
    02/07/2011 House—Introduced—HJ 170
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02/08/2011 House—Referred to Committee on Federal and State Affairs—HJ 192

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03/16/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Federal and State Affairs—HJ 533
    03/29/2011 House—Committee of the Whole - Substitute bill be passed—HJ 792
    03/30/2011 House—Final Action - Substitute passed; Yea: 123 Nay: 1—HJ 824
    03/30/2011 Senate—Received and Introduced—SJ 580
    03/31/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 584
H 2179
          Bill by Vision 2020
    Amendments to the school finance formula regarding the statewide levy, the local
    option budget and the low enrollment weighting.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Education—HJ 192
          Bill by Vision 2020
    Amendments to school finance formula regarding the statewide levy, the local option
    budget and low enrollment weighting.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Education—HJ 192
H 2181
          Bill by Energy and Utilities
    Utilities; transmission lines and easements.
    02/07/2011 House-Introduced-HJ 170
    02/08/2011 House—Referred to Committee on Energy and Utilities—HJ 192
H 2182
          Bill by Aging and Long Term Care
    Health and health care; pharmacy audits; health care freedom act; unused
    medications; addictions counselors; school sports head injury prevention; physical
    therapy; high school athlete health and safety requirements; health information and
    exchange act; advisory committee on trauma; advance practice nursing; emergency
    medical services; dental proprietor arrangements; smoking ban exemption.
    02/07/2011 House—Introduced—HJ 170
    02/08/2011 House—Referred to Committee on Health and Human Services—HJ 192
    02/18/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Health and Human Services—HJ 289
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319
    02/23/2011 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 334
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 249
    03/15/2011 Senate—Committee Report recommending bill be passed and placed on
          Consent Calendar by Committee on Public Health and Welfare—SJ 354
    03/21/2011 Senate—Withdrawn from Consent Calendar and placed on General Orders—
    03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 469
    03/23/2011 Senate—Final Action - Passed as amended; Yea: 36 Nay: 2—SJ 478
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Landwehr, Representative Donohoe and Representative
          Flaharty as conferees—HJ 724
    03/29/2011 Senate—Motion to accede adopted; Senator V. Schmidt, Senator Brungardt
          and Senator Kelly appointed as conferees—SJ 525
    05/12/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ
          1217
    05/12/2011 House—Conference Committee Report was adopted; Yea: 107 Nay: 14—HJ
    05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
          Bill by Agriculture and Natural Resources
    An act concerning environmental protection; relating to the interstate environmental
    freedom compact.
    02/07/2011 House—Introduced—HJ 171
    02/08/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
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Bill by Agriculture and Natural Resources H 2184

Including noncommercial aviation use as a recreational purpose for the purposes of premises liability.

02/07/2011 House—Introduced—HJ 171

02/08/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ

02/16/2011 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 268

02/22/2011 House—Committee of the Whole - Be passed—HJ 319

02/23/2011 House—Final Action - Passed; Yea: 118 Nay: 3—HJ 335

02/23/2011 Senate—Received and Introduced—SJ 246

02/24/2011 Senate—Referred to Committee on Agriculture—SJ 249

03/09/2011 Senate—Committee Report recommending bill be passed by Committee on Agriculture—SJ 301

03/23/2011 Senate—Committee of the Whole - Referred to Committee on Ways and Means—SJ 508

03/28/2011 Senate—Withdrawn from Committee on Ways and Means and re-referred to Committee of the Whole—SJ 512

03/29/2011 Senate—Committee of the Whole - Be passed—SJ 527

03/29/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 543

04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882 Bill by Local Government

H 2185 Kansas open records act; civil penalties change.

02/07/2011 House—Introduced—HJ 187

02/08/2011 House—Referred to Committee on Judiciary—HJ 192

Bill by Local Government H 2186

Planning and zoning; blanket easements, subdivisions; void, exceptions.

02/07/2011 House—Introduced—HJ 187 02/08/2011 House—Referred to Committee on Local Government—HJ 192

H 2187 Bill by Local Government

Platting land in unincorporated areas; certain counties.

02/07/2011 House—Introduced—HJ 187 02/08/2011 House—Referred to Committee on Local Government—HJ 192

H 2188 Bill by Judiciary

Requiring fiscal notes for certain resolutions.

02/07/2011 House—Introduced—HJ 187

02/08/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 192

02/22/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 320

02/24/2011 House—Committee of the Whole - Substitute bill be passed—HJ 392 02/25/2011 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 404

03/02/2011 Senate—Received and Introduced—SJ 275 03/03/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 280

Bill by Local Government H 2189

Certain municipalities; publications in a newspaper; changes.

02/07/2011 House—Introduced—HJ 187 02/08/2011 House—Referred to Committee on Local Government—HJ 192

H 2190 Bill by Local Government

Counties; boards of county commissioners; term limit option.

02/07/2011 House—Introduced—HJ 187 02/08/2011 House—Referred to Committee on Local Government—HJ 192

H 2191 Bill by Education

Concerning school districts; relating to teachers.

02/07/2011 House—Introduced—HJ 188

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02/08/2011 House—Referred to Committee on Education—HJ 192
    02/22/2011 House—Committee Report recommending substitute bill be passed by
           Committee on Education—HJ 315
    02/24/2011 House—Committee of the Whole - Be passed—HJ 361 02/25/2011 House—Final Action - Passed; Yea: 84 Nay: 35—HJ 404
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Education—SJ 280
    03/18/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Education—SJ 384
    03/22/2011 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ
           434
    03/23/2011 Senate—Final Action - Substitute passed as amended; Yea: 39 Nay: 0—SJ 478
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
           appointed Representative Aurand, Representative Huebert and Representative Ward
    as conferees—HJ 724
03/29/2011 Senate—Motion to accede adopted; Senator Schodorf, Senator Vratil and
           Senator Hensley appointed as conferees—SJ 525
    05/09/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 748
    05/10/2011 House—Conference Committee Report was adopted; Yea: 106 Nay: 16—HJ
    05/19/2011 House—Approved by Governor on Thursday, 19 May 2011—HJ 1662
           Bill by Transportation
    Motor vehicles and bicycles; regulation and registration of vehicles.
    02/07/2011 House—Introduced—HJ 188
    02/08/2011 House—Referred to Committee on Transportation—HJ 192
    02/18/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Transportation—HJ 290
    02/22/2011 House—Committee of the Whole - Be passed as amended—HJ 319 02/23/2011 House—Final Action - Passed as amended; Yea: 99 Nay: 22—HJ 335
    02/24/2011 Senate—Received and Introduced—SJ 249
    02/25/2011 Senate—Referred to Committee on Transportation—SJ 271 03/15/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Transportation—SJ 356
    03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 369
    03/17/2011 Senate—Final Action - Passed as amended; Yea: 36 Nay: 2—SJ 379
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
           appointed Representative Hayzlett, Representative Prescott and Representative
           Wetta as conferees—HJ 591
    03/21/2011 Senate—Motion to accede adopted; Senator Umbarger, Senator Marshall and
           Senator Kultala appointed as conferees—SJ 404
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 23 Nay: 14—SJ
    04/01/2011 House—Conference Committee Report was adopted; Yea: 107 Nay: 13—HJ
    04/13/2011 House—Approved by Governor on Wednesday, 13 April 2011—HJ 882
           Bill by Appropriations
    Providing authority for a school district to adopt a local activities budget.
    02/07/2011 House—Introduced—HJ 188
    02/08/2011 House—Referred to Committee on Education—HJ 192
03/21/2011 House—Committee Report recommending substitute bill be passed by
           Committee on Education—HJ 602
    03/29/2011 House—Committee of the Whole - Substitute bill be passed as amended—HJ
    03/30/2011 House—Final Action - Substitute not passed; Yea: 56 Nay: 68—HJ 824
H 2194
           Bill by Appropriations
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Senate Substitute for HB 2194 by Select Committee on KPERS -- Increased employee
and employer contribution rates and benefit formula multiplier.
02/07/2011 House—Introduced—HJ 188
02/08/2011 House—Referred to Committee on Government Efficiency—HJ 192
02/23/2011 House—Committee Report recommending bill be passed as amended by
Committee on Government Efficiency—HJ 337 02/25/2011 House—Committee of the Whole - Be passed as amended—HJ 395
02/25/2011 House—Emergency Final Action - Passed as amended; Yea: 68 Nay: 51—HJ
03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 280
03/17/2011 Senate—Withdrawn from Committee on Federal and State Affairs; Referred to
       Committee on KPERS Select—SJ 374
03/21/2011 Senate—Committee Report recommending substitute bill be passed by
       Committee on KPERS Select—SJ 405
03/22/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 434
03/23/2011 Senate—Final Action - Substitute passed; Yea: 35 Nay: 4—SJ 479
03/29/2011 House—Nonconcurred with amendments; Conference Committee requested;
       appointed Representative M. Holmes, Representative Grange and Representative
       Ruiz as conferees—HJ 787
03/29/2011 Senate—Motion to accede adopted; Senator King, Senator Longbine and
       Senator Hensley appointed as conferees—SJ 529
05/09/2011 House—Representative Johnson replaces Representative Grange on the
       Conference Committee—HJ 1110
05/09/2011 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 7—SJ 748
05/10/2011 House—Conference Committee Report was adopted; Yea: 89 Nay: 30—HJ
       1125
05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
      Bill by Local Government
Municipalities; organized solid waste and recycling collection service act.
02/07/2011 House—Introduced—HJ 188
02/08/2011 House—Referred to Committee on Local Government—HJ 192
02/23/2011 House—Committee Report recommending bill be passed as amended by
       Committee on Local Government—HJ 338
02/25/2011 House—Committee of the Whole - Be passed as amended—HJ 394
02/25/2011 House—Emergency Final Action - Passed as amended; Yea: 114 Nay: 5—HJ
03/02/2011 Senate—Received and Introduced—SJ 275
03/03/2011 Senate—Referred to Committee on Local Government—SJ 280 03/16/2011 Senate—Committee Report recommending bill be passed as amended by
       Committee on Local Government—SJ 367
03/22/2011 Senate—Committee of the Whole - Be passed as amended—SJ 434
03/23/2011 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 479
03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
      appointed Representative Huebert, Representative Seiwert and Representative Mah
as conferees—HJ 724
03/29/2011 Senate—Motion to accede adopted; Senator Reitz, Senator Kelsey and Senator
       Faust-Goudeau appointed as conferees—SJ 525
05/02/2011 House—Concurred with amendments in conference; Yea: 99 Nay: 20—HJ 946 05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
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Amending the rules of evidence regarding expert testimony in sexually violent predator commitment cases.

Bill by Corrections and Juvenile Justice

02/08/2011 House—Introduced—HJ 190 02/09/2011 House—Referred to Committee on Judiciary—HJ 213

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02/22/2011 House—Committee Report recommending bill be passed by Committee on
          Judiciary—HJ 318
    02/24/2011 House—Committee of the Whole - Be passed—HJ 359
    02/25/2011 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 405
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Judiciary—SJ 280
    03/23/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on
          Ways and Means-SJ 508
          Bill by Corrections and Juvenile Justice
H 2197
    Amending the circumstances under which public defenders may accept new clients.
    02/08/2011 House—Introduced—HJ 190
    02/09/2011 House—Referred to Committee on Education—HJ 213
    02/10/2011 House—Withdrawn from Committee on Education; Referred to Committee on
          Corrections and Juvenile Justice—HJ 220
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 313
    03/02/2011 House—Stricken from Calendar by Rule 1507—HJ 416
          Bill by Appropriations
    School districts; capital improvements fund; limitation on state aid entitlement.
    02/08/2011 House—Introduced—HJ 190
02/09/2011 House—Referred to Committee on Education Budget—HJ 213
          Bill by Transportation
    Right-of-way violations; increased penalties.
    02/08/2011 House—Introduced—HJ 190
    02/09/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 213
          Bill by Education
    Concerning school districts; relating to state aid for capital improvements and capital
    02/08/2011 House—Introduced—HJ 190
    02/09/2011 House—Referred to Committee on Education—HJ 213
    02/15/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 261
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 79 Nay: 42—HJ 355
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Education—SJ 270
    03/23/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on
          Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
          Committee on Education—SJ 512
          Bill by Education
H 2201
    Providing authority for a school district to adopt a local activities budget.
    02/08/2011 House—Introduced—HJ 190
02/09/2011 House—Referred to Committee on Education—HJ 213
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 315
    02/24/2011 House—Committee of the Whole - Motion to recommend favorably for
          passage failed—HJ 361
    03/02/2011 House—Stricken from Calendar by Rule 1507—HJ 416
          Bill by Education
    Nontraditional teacher licensure program.
    02/08/2011 House—Introduced—HJ 190
    02/09/2011 House—Referred to Committee on Education—HJ 213
          Bill by Education
    Allowing expenditures for general operating expenses from certain school district
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funds.
02/08/2011 House-Introduced-HJ 190
02/09/2011 House-Referred to Committee on Education Budget-HJ 213
      Bill by Education Budget Committee
Creating the college credit scholarship program.
02/08/2011 House—Introduced—HJ 190
02/09/2011 House—Referred to Committee on Education Budget—HJ 213
      Bill by Agriculture and Natural Resources
Continuing the use of weights and measures standards.
02/08/2011 House—Introduced—HJ 190
02/09/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
02/16/2011 House—Committee Report recommending bill be passed by Committee on
      Agriculture and Natural Resources—HJ 268
02/18/2011 House—Committee of the Whole - Be passed—HJ 288
02/21/2011 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 303
02/21/2011 Senate—Received and Introduced—SJ 218
02/22/2011 Senate—Referred to Committee on Agriculture—SJ 224
03/09/2011 Senate—Committee Report recommending bill be passed by Committee on
      Agriculture—SJ 301
03/16/2011 Senate—Committee of the Whole - Be passed—SJ 369
03/17/2011 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 379
03/25/2011 House—Approved by Governor on Friday, 25 March 2011—HJ 719
      Bill by Representative Kinzer
Child tax credit provided under Kansas income tax law.
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Taxation—HJ 213
      Bill by Judiciary
Series limited liabilities companies.
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Judiciary—HJ 213
      Bill by Insurance
Individual market health inusrance rate review act.
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Insurance—HJ 213
      Bill by Local Government
Legislature; prohibiting legislators from holding other paid elected positions.
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Local Government—HJ 213
      Bill by Veterans, Military and Homeland Security
Establishing a program of mental health care and reintegration for returning
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Veterans, Military and Homeland Security
      Bill by Veterans, Military and Homeland Security
Creating a preference for contracts for the performance of any job or service by a
disabled veteran business.
02/08/2011 House—Introduced—HJ 206
02/09/2011 House—Referred to Committee on Commerce and Economic Development—
      Bill by Representatives Brunk, Arpke, Boman, Collins, Goodman, Gregory,
Hermanson, Howell, Huebert, Hedke, Kiegerl, Osterman, Patton, Peck, Scapa, Weber
Mill levy adjustments; resolutions, publication requirements.
02/08/2011 House—Introduced—HJ 206
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02/09/2011 House—Referred to Committee on Taxation—HJ 213
          Bill by Corrections and Juvenile Justice
    Providing possible exemptions from lifetime postrelease supervision for persons
    convicted of sexually violent crimes.
    02/08/2011 House-Introduced-HJ 206
    02/09/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 213
           Bill by Health and Human Services
    Prohibiting public funding of human cloning and destructive stem cell research.
    02/08/2011 House-Introduced-HJ 206
    02/09/2011 House—Referred to Committee on General Government Budget—HJ 213
H 2215
           Bill by Representative Ward
    Bankruptcy; exempt property; earned income credit.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Judiciary—HJ 213
H 2216
          Bill by Children and Families
    Insurance; coverage for autism spectrum disorder.
    02/08/2011 House—Introduced—ĤJ 207
    02/09/2011 House—Referred to Committee on Insurance—HJ 213
H 2217
           Bill by Representative Sloan
    Concerning authorized interception of wire, oral or electronic communications;
    issuance of order.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 213
          Bill by Representatives Kinzer, Arpke, Billinger, Boman, Brown, Brunk, Calloway,
    DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hedke, Henry,
    Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Kiegerl, Kleeb, Knox, Landwehr,
    Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Otto, Patton, Peck,
    Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfreid, Smith, Suellentrop, Vickrey, Weber,
    Wetta, B. Wolf
    Abortion regulation based on capacity of unborn child to feel pain.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Judiciary—HJ 213
    02/10/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on
           Federal and State Affairs—HJ 220
    02/21/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Federal and State Affairs—HJ 305
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 91 Nay: 30—HJ 355
    02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Judiciary—SJ 270
    03/22/2011 Senate—Committee Report recommending bill be passed by Committee on
           Judiciary—SJ 433
    03/23/2011 Senate—Committee of the Whole - Be passed as amended—SJ 482
    03/23/2011 Senate—Emergency Final Action - Passed as amended; Yea: 24 Nay: 15—SJ
    03/29/2011 House—Substitute motion by Rep. Loganbill to nonconcur failed. 23 Yeas: 99
           Nays—HJ 787
    03/29/2011 House—Concurred with amendments; Yea: 94 Nay: 28—HJ 787 04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
           Bill by Judiciary
    Providing child support for an exceptional child through the school year the child
    turns 23 years of age.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Judiciary—HJ 213
H 2220
          Bill by Taxation
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Substitute HB 2220 by Committee on Taxation -- PEAK act, qualification for benefits

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and income tax credit.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Taxation—HJ 213
    03/07/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Taxation—HJ 428
H 2221
          Bill by Government Efficiency
    Relating to the employee award program.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Government Efficiency—HJ 213
    02/23/2011 House—Committee Report recommending substitute bill be passed by
           Committee on Government Efficiency—HJ 343
    02/25/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations
    03/04/2011 House—Withdrawn from Committee on Appropriations; Referred to
           Committee on Government Efficiency—HJ 423
    03/18/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Government Efficiency—HJ 571
    03/22/2011 House—Committee of the Whole - Substitute bill be passed as amended—HJ
    03/23/2011 House—Final Action - Passed as amended; Yea: 120 Nay: 4—HJ 674
    03/28/2011 Senate—Received and Introduced—SJ 513
    03/29/2011 Senate—Referred to Committee on Ways and Means—SJ 522
          Bill by Children and Families
    Labor organizations; persons prohibited from unionizing.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 213
H 2223
          Bill by Commerce and Economic Development
    The Kansas immigration accountability act.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Federal and State Affairs—HJ 213
H 2224
           Bill by Elections
    Requiring candidates for state and federal offices to provide proof of citizenship.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Elections—HJ 213
H 2225
           Bill by Transportation
    Rail service improvement loans and grants.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Transportation—HJ 213
H 2226
           Bill by Financial Institutions
    Tax increment financing; allowing the financing of infrastructure if contiguous to TIF
    district; allowing cities to commit a portion of their sales tax for TIF.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Taxation—HJ 213
           Bill by Corrections and Juvenile Justice
    Allowing for the issuance of arrest warrants based on DNA profiles.
    02/08/2011 House—Introduced—HJ 207
02/09/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 213
    02/18/2011 House—Committee Report recommending bill be passed and placed on
           Consent Calendar by Committee on Corrections and Juvenile Justice—HJ 288
    02/23/2011 House-Final Action - Passed; Yea: 121 Nay: 0-HJ 328
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Judiciary—SJ 249
    03/21/2011 Senate—Committee Report recommending bill be passed by Committee on
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Judiciary-SJ 397
    03/22/2011 Senate—Committee of the Whole - Be passed—SJ 439
    03/23/2011 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 479
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
           Bill by Representative Kiegerl
H 2228
    Insurance; providing coverage for hearing aids.
    02/08/2011 House—Introduced—HJ 207
    02/09/2011 House—Referred to Committee on Insurance—HJ 213
H 2229
           Bill by Commerce and Economic Development
    Teachers; professional employees association; equal access act.
    02/08/2011 House—Introduced—HJ 208
    02/09/2011 House-Referred to Committee on Federal and State Affairs-HJ 213
    03/16/2011 House—Committee Report recommending substitute bill be passed by
           Committee on Federal and State Affairs—HJ 516
    03/29/2011 House—Committee of the Whole - Substitute bill be passed—HJ 792
    03/30/2011 House—Final Action - Substitute passed; Yea: 69 Nay: 55—HJ 825
    03/30/2011 Senate—Received and Introduced—SJ 580
    03/31/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 584
           Bill by Transportation
H 2230
    Repealing K.S.A. 68-1038.
    02/08/2011 House—Introduced—HJ 208
    02/09/2011 House—Referred to Committee on Government Efficiency—HJ 213
    02/16/2011 House—Committee Report recommending bill be passed by Committee on
           Government Efficiency—HJ 268
    02/18/2011 House—Committee of the Whole - Be passed—HJ 288 02/21/2011 House—Final Action - Passed; Yea: 120 Nay: 1—HJ 304
    02/21/2011 Senate—Received and Introduced—SJ 218
    02/22/2011 Senate—Referred to Committee on Transportation—SJ 224 03/23/2011 Senate—Withdrawn from Committee on Transportation; Referred to
           Committee on Ways and Means—SJ 508
    03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
           Committee on Transportation—SJ 512
H 2231
           Bill by Agriculture and Natural Resources
    Updating the provisions regarding water bank flex accounts.
    02/08/2011 House—Introduced—HJ 208
    02/09/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
    02/18/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Agriculture and Natural Resources—HJ 288
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 337 02/24/2011 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 356
    02/24/2011 Senate—Received and Introduced—SJ 265
02/25/2011 Senate—Referred to Committee on Ways and Means—SJ 271
           Bill by Corrections and Juvenile Justice
    Amending the culpability for the unlawful possession of prescription drugs.
    02/08/2011 House—Introduced—HJ 208
02/09/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 213
           Bill by Representative Aurand
    School districts; eliminating the high enrollment weighting.
    02/08/2011 House—Introduced—HJ 208
    02/09/2011 House—Referred to Committee on Education—HJ 213
           Bill by Education
    Creating the early high school graduation scholarship program.
    02/08/2011 House—Introduced—HJ 208
02/09/2011 House—Referred to Committee on Education Budget—HJ 213
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- 02/23/2011 House-Withdrawn from Committee on Education Budget; Referred to Committee on Appropriations—HJ 340
- 02/25/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Education Budget—HJ 396
- H 2235 Bill by Commerce and Economic Development

Vehicle title loans; regulations.

- 02/08/2011 House—Introduced—HJ 208
- 02/09/2011 House—Referred to Committee on Financial Institutions—HJ 213
- 02/15/2011 House—Withdrawn from Committee on Financial Institutions; Referred to Committee on Commerce and Economic Development—HJ 260

H 2236 Bill by Representative Kinzer Creating the special education scholarship program.

- 02/08/2011 House—Introduced—HJ 208
- 02/09/2011 House—Referred to Committee on Education Budget—HJ 213
- H 2237 Bill by Appropriations

Fire marshal; investigating authority.

- 02/08/2011 House—Introduced—HJ 208 02/09/2011 House—Referred to Committee on Judiciary—HJ 213
- H 2238 Bill by Taxation

Concerning the state budget; economic impact statements and dynamic scoring.

- 02/09/2011 House—Introduced—HJ 212
- 02/10/2011 House—Referred to Committee on Taxation—HJ 220
- H 2239 Bill by Local Government

Providing the district court with the authority to assess damage claims for vacating roads for counties less than 30,000.

- 02/09/2011 House—Introduced—HJ 213 02/10/2011 House—Referred to Committee on Judiciary—HJ 220
- Bill by Local Government

Cemetery corporations; trust funds; secretary of state, attorney general enforcement

- 02/09/2011 House—Introduced—HJ 214
- 02/10/2011 House—Referred to Committee on Judiciary—HJ 220
- 02/11/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on Local Government—HJ 233
- 02/23/2011 House—Committee Report recommending bill be passed as amended by Committee on Local Government—HJ 338
- 02/25/2011 House—Committee of the Whole Be passed as amended—HJ 394
- 02/25/2011 House—Emergency Final Action Passed as amended; Yea: 114 Nay: 5—HJ
- 03/02/2011 Senate—Received and Introduced—SJ 275
- 03/03/2011 Senate—Referred to Committee on Local Government—SJ 280 03/16/2011 Senate—Committee Report recommending bill be passed by Committee on Local Government—SJ 367
- 03/21/2011 Senate—Committee of the Whole Be passed—SJ 391
- 03/21/2011 Senate—Committee of the Whole Be passed as amended—SJ 426
- 03/21/2011 Senate—Emergency Final Action Passed as amended; Yea: 39 Nay: 0—SJ
- 03/28/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Huebert, Representative Seiwert and Representative Mah as conferees—HJ 724
 03/29/2011 Senate—Motion to accede adopted; Senator Reitz, Senator Kelsey and Senator
- Faust-Goudeau appointed as conferees—SJ 529
- 05/02/2011 House—Concurred with amendments in conference; Yea: 109 Nay: 10—HJ
- 05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662

H 2241 Bill by Health and Human Services

Relating to proprietor arrangements with licensees of dentistry.

02/09/2011 House—Introduced—HJ 214

02/10/2011 House—Referred to Committee on Health and Human Services—HJ 220

02/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 305

02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 337

02/24/2011 House—Final Action - Passed as amended; Yea: 120 Nay: 1—HJ 357

02/24/2011 Senate—Received and Introduced—SJ 265

02/25/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 271

03/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 388

03/23/2011 Senate—Committee of the Whole - Referred to Committee on Ways and Means—SJ 508

03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 512

05/04/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 690

05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 1296

Bill by Health and Human Services H 2242

Substitute for HB 2242 by Committee on Federal and State Affairs -- Vital Statistics; concerning death and unborn child death certificates.

02/09/2011 House—Introduced—HJ 214

02/10/2011 House—Referred to Committee on Federal and State Affairs—HJ 220

03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 549

Bill by Representatives Dillmore, Burroughs, Carlin, Davis, Finney, Frownfelter, S. Gatewood, Henderson, Kuether, Lane, McCray-Miller, Pauls, Ruiz, Trimmer, Victors, Wetta, Winn, K. Wolf

Wage payment act; additional penalties for employers who repeatedly fail to pay

02/09/2011 House—Introduced—HJ 215

02/10/2011 House—Referred to Committee on Commerce and Economic Development— HJ 220

Bill by Commerce and Economic Development

Continuing education for plumbing, electrical and mechanical licensees.

02/09/2011 House—Introduced—HJ 215

02/10/2011 House—Referred to Committee on Commerce and Economic Development— HJ 220

H 2245 Bill by Education

Retaining students from grade-level promotion if not proficient on the reading state assessment for grade 3.

02/09/2011 House—Introduced—HJ 215

02/10/2011 House—Referred to Committee on Education—HJ 220 02/23/2011 House—Withdrawn from Committee on Education; Referred to Committee on Appropriations—HJ 340

03/14/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Education-HJ 477

Bill by Representative McCray-Miller

Mandatory paternity testing for every child born in the state.

02/09/2011 House—Introduced—HJ 215

02/10/2011 House—Referred to Committee on Judiciary—HJ 220

Bill by Transportation

Masonic lodge license plate.

02/09/2011 House-Introduced-HJ 215

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02/10/2011 House—Referred to Committee on Transportation—HJ 220
H 2248
           Bill by Education Budget Committee
    Requiring school districts to finance cost of remedial college courses.
    02/09/2011 House—Introduced—HJ 215
    02/10/2011 House—Referred to Committee on Education Budget—HJ 220
    02/23/2011 House—Withdrawn from Committee on Education Budget; Referred to
           Committee on Appropriations—HJ 340
    02/25/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
           Committee on Education Budget—HJ 396
H 2249
          Bill by Corrections and Juvenile Justice
    Senate Substitute for HB 2249 by Committee on Public Health and Welfare -- Health
    information; Kansas health information technology and exchange act.
    02/09/2011 House-Introduced-HJ 215
    02/10/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 220
    02/18/2011 House—Committee Report recommending bill be passed by Committee on
           Corrections and Juvenile Justice—HJ 288
    02/22/2011 House—Committee of the Whole - Be passed—HJ 319
    02/23/2011 House—Final Action - Passed; Yea: 112 Nay: 9—HJ 336
    02/23/2011 Senate—Received and Introduced—SJ 246
    02/24/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 249
    03/21/2011 Senate—Committee Report recommending substitute bill be passed by
           Committee on Public Health and Welfare—SJ 405
    03/23/2011 Senate—Committee of the Whole - Referred to Committee on Ways and
          Means—SJ 502
          Bill by Corrections and Juvenile Justice
    Amending the drug code to include penalties based on amount.
    02/09/2011 House—Introduced—HJ 215
02/10/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 220
          Bill by Education
    Senate Substitute for HB 2251 by Committee on Education -- Continuation of
    statewide tax levy for public schools.
    02/09/2011 House—Introduced—HJ 215
    02/10/2011 House—Referred to Committee on Education—HJ 220
    02/21/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Education—HJ 304
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 341
    02/24/2011 House—Final Action - Passed as amended; Yea: 77 Nay: 44—HJ 357
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Education—SJ 270 03/17/2011 Senate—Committee Report recommending substitute bill be passed by
           Committee on Education—SJ 381
    03/22/2011 Senate—Committee of the Whole - Substitute bill be passed—SJ 434
    03/23/2011 Senate—Final Action - Substitute passed; Yea: 39 Nay: 0—SJ 479
    03/28/2011 House—Ruled materially changed and referred to Committee on Education—
          HJ 721
          Bill by Judiciary
H 2252
    Restoration of spouse's former name after divorce; if divorced in another state, court
    shall restore name if copy of authenticated divorce decree.
    02/09/2011 House—Introduced—HJ 215
02/10/2011 House—Referred to Committee on Judiciary—HJ 220
          Bill by Judiciary
    Private rights of action; restrictions.
    02/09/2011 House—Introduced—HJ 215
02/10/2011 House—Referred to Committee on Judiciary—HJ 220
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H 2254
          Bill by Representatives Howell, Arpke, Boman, Brown, Brunk, Calloway, Collins,
    DeGraaf, Garber, Goico, Gonzalez, Goodman, Gregory, Hedke, Hermanson, M. Holmes,
    Huebert, Kelley, Kiegerl, Kinzer, Mast, McLeland, Meier, Mesa, Montgomery, O'Hara,
    Osterman, Otto, Patton, Peck, Rhoades, Ryckman, Scapa, Seiwert, Siegfreid, Vickrey,
    Weber
    Covenant marriages; procedures for divorce and separate maintenance.
    02/09/2011 House—Introduced—HJ 217
02/10/2011 House—Referred to Committee on Judiciary—HJ 220
H 2255
           Bill by Representative Ballard
    Council on obesity prevention and management.
    02/09/2011 House—Introduced—HJ 217
02/10/2011 House—Referred to Committee on Health and Human Services—HJ 220
H 2256
          Bill by Commerce and Economic Development
    Contracts with small minority businesses.
    02/09/2011 House—Introduced—HJ 217
    02/10/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 220
H 2257
          Bill by Representative Otto
    Determination of supplemental general state aid; creating school district
    enhancement fund; exemptions for statewide levy; income tax checkoff and
    withholding for school district contributions.
    02/09/2011 House—Introduced—HJ 217
    02/10/2011 House—Referred to Committee on Education—HJ 220
          Bill by Representative Johnson
    Conveyance of land in Ellsworth County from SRS to the Lutheran Evangelical Good
    Samaritan Society.
    02/09/2011 House-Introduced-HJ 217
    02/10/2011 House—Referred to Committee on Social Services Budget—HJ 220
    02/22/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Social Services Budget—HJ 321
    02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 360
    02/25/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 405
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Ways and Means—SJ 280
    03/15/2011 Senate—Committee Report recommending bill be passed by Committee on
           Ways and Means—SJ 357
    03/16/2011 Senate—Committee of the Whole - Be passed—SJ 369
    03/17/2011 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 379
    03/28/2011 House—Approved by Governor on Monday, 28 March 2011—HJ 782
           Bill by Judiciary
    Criminal procedure and appearance bonds.
    02/09/2011 House—Introduced—HJ 217
    02/10/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 220 02/21/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice;
           Referred to Committee on Appropriations—HJ 300
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
           Committee on Corrections and Juvenile Justice—HJ 340
          Bill by Judiciary
    Kansas preservation of religious freedom act.
    02/09/2011 House—Introduced—HJ 217
02/10/2011 House—Referred to Committee on Judiciary—HJ 220
          Bill by Representative Kinzer
    Enacting the revised uniform limited liability company act.
    02/09/2011 House—Introduced—HJ 217
02/10/2011 House—Referred to Committee on Judiciary—HJ 220
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H 2262 Bill by Representatives Arpke, Brown, Calloway, Cassidy, Fawcett, Goodman, Gregory, Henderson, Howell, Huebert, Johnson, Kelley, Kelly, Kuether, Loganbill, O'Brien, Proehl, Vickrey, Winn, B. Wolf

Hiram Price Dillon House, conveyance to not-for-profit corporation for promotion of

02/09/2011 House-Introduced-HJ 218

02/10/2011 House—Referred to Committee on General Government Budget—HJ 220

03/14/2011 House—Withdrawn from Committee on General Government Budget; Referred to Committee on Appropriations—HJ 478

H 2263 Bill by Representative Burgess

Increased employee contributions for KP&F members and removal of maximum retirement benefit provision.

02/09/2011 House—Introduced—HJ 218

02/10/2011 House—Referred to Committee on Pensions and Benefits—HJ 220

H 2264 Bill by Taxation

Property tax exemption for mineral interest in real estate.

02/10/2011 House—Introduced—HJ 220 02/11/2011 House—Referred to Committee on Taxation—HJ 233

H 2265 Bill by Taxation

Redemption procedures and increased interest rates and penalties for delinquent property taxes on certain land and reduced redemption period for delinquent property taxes on vacant land in certain counties.

02/10/2011 House—Introduced—HJ 220

02/11/2011 House—Referred to Committee on Taxation—HJ 233

H 2266 Bill by Taxation

Community improvement districts; notice of sales tax rate.

02/10/2011 House—Introduced—HJ 220 02/11/2011 House—Referred to Committee on Taxation—HJ 233

H 2267 Bill by Energy and Utilities

Senate Substitute for HB 2267 by Committee on Local Government -- Uniform common interest owners bill of rights act; changes.

02/10/2011 House-Introduced-HJ 220

02/11/2011 House—Referred to Committee on Energy and Utilities—HJ 233

02/17/2011 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Energy and Utilities—HJ 279

02/22/2011 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 309

02/22/2011 Senate—Received and Introduced—SJ 225

02/23/2011 Senate—Referred to Committee on Utilities—SJ 237

03/23/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Ways and Means—SJ 508

03/28/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Utilities—SJ 512

03/30/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Local Government—SJ 545

03/31/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Local Government—SJ 588

04/01/2011 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ

04/01/2011 Senate—Emergency Final Action - Substitute passed as amended; Yea: 38 Nav: 0-SJ 611

05/03/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Huebert, Representative Seiwert and Representative Mah as conferees—HJ 969 05/03/2011 Senate—Motion to accede adopted; Senator Reitz, Senator Apple and Senator

Faust-Goudeau appointed as conferees—SJ 664

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H 2268
          Bill by Government Efficiency
    Collection of fees, charges, taxes and exactions by state agencies.
    02/10/2011 House—Introduced—HJ 223
    02/11/2011 House—Referred to Committee on Appropriations—HJ 233
    03/04/2011 House—Withdrawn from Committee on Appropriations; Referred to
          Committee on Government Efficiency—HJ 423
H 2269
          Bill by Education
    School districts; finance; amendments to funding formula.
    02/10/2011 House-Introduced-HJ 223
    02/11/2011 House—Referred to Committee on Education—HJ 233
    02/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 315
    02/24/2011 House—Committee of the Whole - Referred to Committee on Appropriations
           -HJ 392
    03/03/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Education—HJ 422
    03/22/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Education—HJ 671
    03/30/2011 House—Committee of the Whole - Be passed as amended—HJ 831
    03/31/2011 House—Final Action - Passed as amended; Yea: 67 Nay: 56—HJ 838
   04/01/2011 Senate—Received and Introduced—SJ 591
04/27/2011 Senate—Referred to Committee on Education—SJ 615
H 2270
          Bill by Education
    Funding costs of nonproficient pupils not covered by general state aid from local
    funds.
    02/10/2011 House-Introduced-HJ 223
    02/11/2011 House—Referred to Committee on Education—HJ 233
          Bill by Agriculture and Natural Resources
    Amending the inspection and regulation of live plant dealers and plant pests by the
    department of agriculture.
    02/10/2011 House—Introduced—HJ 223
02/11/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
    02/23/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Agriculture and Natural Resources—HJ 342
    02/25/2011 House—Committee of the Whole - Substitute bill be passed as amended—HJ
    02/25/2011 House—Emergency Final Action - Passed as amended; Yea: 118 Nay: 1—HJ
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Agriculture—SJ 280
    03/17/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Agriculture—SJ 380
    03/22/2011 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ
          439
    03/23/2011 Senate—Final Action - Substitute passed as amended; Yea: 35 Nay: 4—SJ 480
    03/28/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Powell, Representative Kerschen and Representative
          Williams as conferees—HJ 724
    03/29/2011 Senate—Motion to accede adopted; Senator Taddiken, Senator Teichman and
          Senator Francisco appointed as conferees—SJ 525
    04/01/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 608
    04/27/2011 House—Conference Committee Report was adopted; Yea: 115 Nay: 6—HJ
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05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662

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H 2272
          Bill by Agriculture and Natural Resources
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Exempting certain minor construction projects from state and federal water regulations.

02/10/2011 House—Introduced—HJ 224

02/11/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ

Bill by Transportation H 2273

Designating a portion of K-99 as the Frankfurt Boys World War II highway.

02/10/2011 House—Introduced—HJ 224

02/11/2011 House—Referred to Committee on Transportation—HJ 233

H 2274 Bill by Transportation Designating a portion of I-70 the Eisenhower/Truman Presidential Highway.

02/10/2011 House—Introduced—HJ 224

02/11/2011 House—Referred to Committee on Transportation—HJ 233

H 2275 Bill by Insurance

Health insurance; provider payments; no variation based upon the identity of the health insurer.

02/10/2011 House-Introduced-HJ 224

02/11/2011 House—Referred to Committee on Insurance—HJ 233

H 2276 Bill by Insurance

Health insurance; mandate lite health benefit plans, commissions, specially designed

02/10/2011 House-Introduced-HJ 224

02/11/2011 House—Referred to Committee on Insurance—HJ 233

Bill by Judiciary H 2277

Third and subsequent DUI offenders following county jail sentence shall serve under local supervision for one year; supervised by community corrections or court

02/10/2011 House-Introduced-HJ 224

02/11/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 233

02/21/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Appropriations—HJ 300

02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Corrections and Juvenile Justice—HJ 340

Bill by Veterans, Military and Homeland Security H 2278

Kansas hometown heroes fund checkoff.

02/10/2011 House—Introduced—HJ 224

02/11/2011 House—Referred to Committee on Taxation—HJ 233

H 2279 Bill by Health and Human Services

Coronal scaling by dental assistants.

02/10/2011 House—Introduced—HJ 224 02/11/2011 House—Referred to Committee on Health and Human Services—HJ 233

Bill by Health and Human Services H 2280

Kansas dental board; licensure of dental practitioners.

02/10/2011 House—Introduced—HJ 224 02/11/2011 House—Referred to Committee on Health and Human Services—HJ 233

Bill by Children and Families H 2281

Appropriations for autism waiver for fiscal year 2012.

02/10/2011 House—Introduced—HJ 224 02/11/2011 House—Referred to Committee on Appropriations—HJ 233

Bill by Agriculture and Natural Resources Budget Committee H 2282

Lodging inspections and food safety fees.

02/11/2011 House—Introduced—HJ 233

02/14/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 252

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02/22/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Agriculture and Natural Resources—HJ 312
    02/24/2011 House—Committee of the Whole - Be passed as amended—HJ 360
    02/25/2011 House—Final Action - Passed as amended; Yea: 84 Nay: 35—HJ 406
    03/02/2011 Senate—Received and Introduced—SJ 275
    03/03/2011 Senate—Referred to Committee on Agriculture—SJ 280
    03/09/2011 Senate—Committee Report recommending bill be passed as amended by
           Committee on Agriculture—SJ 301
    03/16/2011 Senate—Committee of the Whole - Be passed as amended—SJ 369
    03/17/2011 Senate—Final Action - Passed as amended; Yea: 34 Nay: 4—SJ 380
    03/21/2011 House—Nonconcurred with amendments; Conference Committee requested;
           appointed Representative Powell, Representative Kerschen and Representative
           Williams as conferees—HJ 591
    03/21/2011 Senate—Motion to accede adopted; Senator Taddiken, Senator Teichman and
           Senator Francisco appointed as conferees—SJ 404
    04/28/2011 House—Concurred with amendments in conference; Yea: 85 Nay: 32—HJ 931
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
          Bill by Judiciary
    Lobbying; use of public funds.
    02/10/2011 House—Introduced—HJ 224
02/11/2011 House—Referred to Committee on Elections—HJ 233
          Bill by Judiciary
    Public funds for lobbying for a tax increase.
    02/10/2011 House—Introduced—HJ 224
    02/11/2011 House—Referred to Committee on Elections—HJ 233
          Bill by Transportation
    Denying highway funds to cities and counties who enact stiffer penalties for seat belt
    violations.
    02/10/2011 House—Introduced—HJ 224
    02/11/2011 House—Referred to Committee on Transportation—HJ 233
           Bill by Education
H 2286
    School districts; finance; supplemental general state aid for certain districts.
    02/10/2011 House—Introduced—HJ 224
02/11/2011 House—Referred to Committee on Education—HJ 233
H 2287
           Bill by Taxation
    Sales tax holiday which provides sales tax exemption for certain purchases of school
    supplies, computers and clothing.
    02/10/2011 House—Introduced—HJ 224
    02/11/2011 House—Referred to Committee on Taxation—HJ 233
          Bill by Taxation
    Assessed valuation of certain school districts.
    02/10/2011 House—Introduced—HJ 224
02/11/2011 House—Referred to Committee on Education—HJ 233
          Bill by Children and Families
    Appropriations for waivers for fiscal year 2012.
    02/10/2011 House—Introduced—HJ 225
02/11/2011 House—Referred to Committee on Appropriations—HJ 233
          Bill by Education
    Distribution of mineral severance tax revenue to school districts.
    02/10/2011 House—Introduced—HJ 225
    02/11/2011 House—Referred to Committee on Taxation—HJ 233
           Bill by Insurance
    Requiring automobile liability insurance policies to provide uninsured and
    underinsured motorist coverage for any person occupying the insured motor vehicle.
    02/10/2011 House—Introduced—HJ 225
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02/11/2011 House—Referred to Committee on Insurance—HJ 233

H 2292 Bill by Insurance

Accident and health insurance; excluding coverage for certain abortions.

- 02/10/2011 House—Introduced—HJ 225
- 02/11/2011 House—Referred to Committee on Insurance—HJ 233
- 02/22/2011 House—Withdrawn from Committee on Insurance; Referred to Committee on Appropriations—HJ 309
- 02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Insurance—HJ 340

H 2293 Bill by Insurance

Prohibiting state employees from receiving benefits and reimbursements for abortion procedures under a state health savings account plan.

- 02/10/2011 House-Introduced-HJ 225
- 02/11/2011 House—Referred to Committee on Insurance—HJ 233
- 02/22/2011 House—Withdrawn from Committee on Insurance; Referred to Committee on Appropriations—HJ 309
- 02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Insurance—HJ 340

H 2294 Bill by Local Government

Annexation procedures; deannexation; board of county commissioners duties; election required, when; homestead exemption; appeal process.

- 02/10/2011 House—Introduced—HJ 225
- 02/11/2011 House—Referred to Committee on Local Government—HJ 233
- 02/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Local Government—HJ 306
- 02/23/2011 House—Committee of the Whole Be passed as amended—HJ 341
- 02/24/2011 House—Final Action Passed as amended; Yea: 88 Nav: 33—HJ 358
- 02/24/2011 Senate—Received and Introduced—SJ 265 02/25/2011 Senate—Referred to Committee on Local Government—SJ 271

Bill by Agriculture and Natural Resources

Amending state hunting laws and regulations relating to hunting seasons, permits and the use of bows.

- 02/11/2011 House-Introduced-HJ 233
- 02/14/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ

H 2296 Bill by Aging and Long Term Care

Establishing the joint committee on oversight of the closure of the Kansas neurological institute.

- 02/11/2011 House—Introduced—HJ 233
- 02/14/2011 House—Referred to Committee on Aging and Long Term Care—HJ 252
- 02/23/2011 House—Committee Report recommending bill be passed as amended by Committee on Aging and Long Term Care—HJ 342
- 02/24/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations
- 03/14/2011 House—Withdrawn from Committee on Appropriations; Referred to Committee on Social Services Budget—HJ 478
- 03/16/2011 House—Committee Report recommending substitute bill be passed by Committee on Social Services Budget—HJ 519
- 03/30/2011 House—Committee of the Whole Substitute bill be passed—HJ 827 03/31/2011 House—Final Action Substitute passed; Yea: 75 Nay: 48—HJ 839

- 03/31/2011 Senate—Received and Introduced—SJ 585 04/01/2011 Senate—Referred to Committee on Ways and Means—SJ 591

Bill by Veterans, Military and Homeland Security

Requiring courts to wait until a deployed soldier returns home before proceeding with foreclosure.

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02/11/2011 House-Introduced-HJ 233
    02/14/2011 House—Referred to Committee on Judiciary—HJ 252
H 2298
           Bill by Veterans, Military and Homeland Security
    Granting authority to the executive director of the Kansas commission on veterans
    affairs to transfer funds between state general fund appropriated accounts.
    02/11/2011 House—Introduced—HJ 233
02/14/2011 House—Referred to Committee on Appropriations—HJ 252
           Bill by Veterans, Military and Homeland Security
H 2299
    Prohibiting cities and counties from issuing licenses and permits for merchant or
    security police.
    02/11/2011 House—Introduced—HJ 233
    02/14/2011 House—Referred to Committee on Local Government—HJ 252
H 2300
           Bill by Federal and State Affairs
    Legislature; job protection for persons elected or appointed to the state legislature.
    02/11/2011 House—Introduced—HJ 233
02/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 252
H 2301
           Bill by Education
    Closure of the school for the deaf and the school for the blind.
    02/11/2011 House—Introduced—HJ 233
    02/14/2011 House—Referred to Committee on Education—HJ 252
H 2302
           Bill by Education
    Charter schools; appeal of charter school denials to the state board of education;
    02/11/2011 House—Introduced—HJ 233
    02/14/2011 House—Referred to Committee on Education—HJ 252
           Bill by Energy and Utilities
    Utilities; rate-making and variable time-of-day pricing.
    02/11/2011 House—Introduced—HJ 240
    02/14/2011 House—Referred to Committee on Energy and Utilities—HJ 252
    02/23/2011 House—Withdrawn from Committee on Energy and Utilities; Referred to
           Committee on Appropriations—HJ 344
    03/04/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
           Committee on Energy and Utilities—HJ 423
H 2304
           Bill by Judiciary
    Rules and regulations; nullification.
    02/11/2011 House—Introduced—HJ 240
    02/14/2011 House—Referred to Committee on Energy and Utilities—HJ 252
           Bill by Judiciary
    Board of Indigents' Defense Terms and Qualifications.
    02/11/2011 House—Introduced—HJ 240
02/14/2011 House—Referred to Committee on Judiciary—HJ 252
02/18/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on
           Appropriations—HJ 285
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
           Committee on Judiciary—HJ 340
           Bill by Government Efficiency
    Relating to the requirements for purchase of motor vehicles by state agencies.
    02/11/2011 House—Introduced—HJ 240
02/14/2011 House—Referred to Committee on General Government Budget—HJ 252
           Bill by Insurance
H 2307
    The Kansas residential roofing act.
    02/11/2011 House—Introduced—HJ 240
    02/14/2011 House—Referred to Committee on Insurance—HJ 252
    02/22/2011 House—Withdrawn from Committee on Insurance; Referred to Committee on
           Appropriations—HJ 309
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02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Insurance—HJ 340

H 2308 Bill by Elections

Filing of reports by campaign treasurer.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Elections—HJ 252

H 2309 Bill by Elections

> Allowing the transfer of campaign funds to a bona fide successor committee or candidacy.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Elections—HJ 252

Bill by Pensions and Benefits

Working after retirement requirements for KPERS retirants.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Pensions and Benefits—HJ 252

02/16/2011 House-Withdrawn from Committee on Pensions and Benefits; Referred to Committee on Appropriations—HJ 265

02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Pensions and Benefits—HJ 340

Bill by Pensions and Benefits

Enacting the Kansas public employees retirement system defined contribution act.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Pensions and Benefits—HJ 252

02/16/2011 House—Withdrawn from Committee on Pensions and Benefits; Referred to Committee on Appropriations—HJ 265

02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Pensions and Benefits—HJ 340

Bill by Judiciary

Regulated scrap metal; licensing scrap metal dealers; unlawful acts; criminal

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252

02/23/2011 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 342

02/25/2011 House—Committee of the Whole - Be passed as amended—HJ 395

02/25/2011 House—Emergency Final Action - Passed as amended; Yea: 65 Nay: 54—HJ

03/02/2011 Senate—Received and Introduced—SJ 275

03/03/2011 Senate—Referred to Committee on Judiciary—SJ 280 03/22/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—SJ 432

03/28/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 514

03/29/2011 Senate—Committee of the Whole - Be passed as further amended—SJ 528

03/29/2011 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 2—SJ

03/31/2011 House—Nonconcurred with amendments; Conference Committee requested; appointed Representative Colloton, Representative Kinzer and Representative McCray-Miller as conferees—HJ 854

04/01/2011 Senate—Motion to accede adopted; Senator Owens, Senator King and Senator Haley appointed as conferees—SJ 609

05/02/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 3—SJ 654

05/03/2011 House—Conference Committee Report was adopted; Yea: 110 Nay: 14—HJ

05/20/2011 House—Approved by Governor on Thursday, 19 May 2011—HJ 1662

H 2313 Bill by Judiciary

Exhaustion of administrative remedies for patients in the custody of secretary of social and rehabilitation services.

02/11/2011 House—Introduced—HJ 240 02/14/2011 House—Referred to Committee on Judiciary—HJ 252

H 2314 Bill by Taxation

Finney county drainage district No. 2; election of directors.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Local Government—HJ 252

03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Local Government—HJ 551

04/29/2011 House—Committee of the Whole - Be passed as amended—HJ 938

05/02/2011 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 942

05/04/2011 Senate—Received and Introduced—SJ 666

05/05/2011 Senate—Referred to Committee on Ways and Means—SJ 694

Bill by Aging and Long Term Care

Relating to the licensure of home health agencies, home nursing agencies and home services agencies.

02/11/2011 House—Introduced—HJ 240

02/14/2011 House—Referred to Committee on Aging and Long Term Care—HJ 252

H 2316 Bill by Vision 2020

Creating the bioscience investment fund.

02/11/2011 House—Introduced—HJ 241

02/14/2011 House—Referred to Committee on Taxation—HJ 252

H 2317 Bill by Taxation

Authorizing expensing of investment expenditures as a deduction in calculating Kansas income tax liability and IMPACT program changes.

02/11/2011 House—Introduced—HJ 241 02/14/2011 House—Referred to Committee on Taxation—HJ 252

02/23/2011 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 343

H 2318 Bill by Corrections and Juvenile Justice

Amendments to the recodified criminal controlled substances provisions and the drug sentencing grid.

02/11/2011 House—Introduced—HJ 241

02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252

02/21/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice; Referred to Committee on Appropriations—HJ 300

02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Corrections and Juvenile Justice—HJ 340

03/09/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 440

03/11/2011 House—Committee of the Whole - Substitute bill be passed—HJ 456 03/14/2011 House—Final Action - Substitute passed; Yea: 113 Nay: 10—HJ 463

03/14/2011 Senate—Received and Introduced—SJ 313 03/15/2011 Senate—Referred to Committee on Judiciary—SJ 346

H 2319 Bill by Corrections and Juvenile Justice

Authorizing house arrest for certain misdemeanors and nongrid felonies and updating definitions.

02/11/2011 House—Introduced—HJ 241

02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252

02/22/2011 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 313

02/25/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations —HJ 394

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H 2320
          Bill by Agriculture and Natural Resources
    Oil unit ownership and operation.
    02/11/2011 House—Introduced—HJ 241
    02/14/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
          Bill by Corrections and Juvenile Justice
H 2321
    Amendments to the recodified criminal code.
    02/11/2011 House-Introduced-HJ 241
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
    02/17/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice;
          Referred to Committee on Appropriations—HJ 277
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Corrections and Juvenile Justice—HJ 340
    03/09/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 440
    03/11/2011 House—Committee of the Whole - Be passed as amended—HJ 456
    03/14/2011 House—Final Action - Not passed; Yea: 32 Nay: 91—HJ 464
          Bill by Corrections and Juvenile Justice
    Amendments to the Kansas offender registration act.
    02/11/2011 House-Introduced-HJ 241
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
    02/17/2011 House—Withdrawn from Committee on Corrections and Juvenile Justice;
          Referred to Committee on Appropriations—HJ 277
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Corrections and Juvenile Justice—HJ 340
    03/16/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 520
          Bill by Corrections and Juvenile Justice
    Abolishing the death penalty; creating the crime of aggravated murder.
    02/11/2011 House—Introduced—HJ 241
    02/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 252
          Bill by Corrections and Juvenile Justice
    Making it unlawful to furnish electronic cigarettes to people under 18 years of age.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 252
          Bill by Corrections and Juvenile Justice
    Eliminating postrelease supervision periods equal to good time credit earned.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
          Bill by Corrections and Juvenile Justice
    Authorizing the use of a standardized offender assessment test to determine the
    placement of offenders.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
          Bill by Corrections and Juvenile Justice
    Allowing veterans with PTSD to seek mental health treatment upon certain
    convictions.
    02/11/2011 House-Introduced-HJ 242
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
          Bill by Pensions and Benefits
    Employer contributions for KPERS school participating employers.
    02/11/2011 House—Introduced—HJ 242
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02/14/2011 House—Referred to Committee on Pensions and Benefits—HJ 252 02/16/2011 House—Withdrawn from Committee on Pensions and Benefits; Referred to

Committee on Appropriations—HJ 265

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02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Pensions and Benefits-HJ 340
          Bill by Corrections and Juvenile Justice
H 2329
    Allowing the Kansas bureau of investigation to access expunged records under
    certain circumstances and creating a petition for relief of disabilities procedure for
    the purposes of firearm ownership by the mentally ill.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
    02/21/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 304
    02/23/2011 House—Committee of the Whole - Be passed as amended—HJ 340
    02/24/2011 House—Final Action - Passed as amended; Yea: 110 Nay: 11—HJ 358
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Judiciary—SJ 270
H 2330
          Bill by Commerce and Economic Development
    Enacting the cannabis compassion and care act.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Health and Human Services—HJ 252
H 2331
          Bill by Taxation
    Creating rural opportunity zones.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Taxation—HJ 252
    02/21/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Taxation—HJ 306
H 2332
          Bill by Judiciary
    Sexual exploitation of a child: increasing the penalty for certain offenses.
    02/11/2011 House—Introduced—HJ 242
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
H 2333
          Bill by Pensions and Benefits
    Increased employer contributions, decreased benefit formula multiplier, certain
    proceeds from sale of state real estate to KPERS and enacting the KPERS defined
    contribution act.
    02/11/2011 House-Introduced-HJ 242
    02/14/2011 House—Referred to Committee on Pensions and Benefits—HJ 252
    02/16/2011 House—Withdrawn from Committee on Pensions and Benefits; Referred to
          Committee on Appropriations—HJ 265
    02/23/2011 House—Withdrawn from Committee on Appropriations; Rereferred to
          Committee on Pensions and Benefits—HJ 340
    03/17/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Pensions and Benefits—HJ 560
   03/23/2011 House—Committee of the Whole - Be passed as amended—HJ 707 03/28/2011 House—Final Action - Substitute passed as amended; Yea: 68 Nay: 54—HJ
    03/29/2011 Senate—Received and Introduced—SJ 524
    03/30/2011 Senate-Referred to Committee on KPERS Select-SJ 545
          Bill by Corrections and Juvenile Justice
    Creating new procedures to determine a defendant's competency to stand trial.
    02/11/2011 House—Introduced—HJ 243
    02/14/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 252
          Bill by Federal and State Affairs
    Kansas act against discrimination; disability amendments.
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03/15/2011 House—Committee Report recommending bill be passed as amended by

02/15/2011 House—Referred to Committee on Judiciary—HJ 260

02/14/2011 House—Introduced—HJ 251

Committee on Judiciary—HJ 504

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H 2336
          Bill by Federal and State Affairs
    Kansas employment first initiative act; persons with disabilities.
    02/14/2011 House—Introduced—HJ 252
    02/15/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 260
    03/18/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Commerce and Economic Development—HJ 569
    03/22/2011 House—Committee of the Whole - Be passed as amended—HJ 643
    03/23/2011 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 675
    03/23/2011 Senate—Received and Introduced—SJ 507
    03/28/2011 Senate—Referred to Committee on Ways and Means—SJ 512
    05/04/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Ways and Means—SJ 691
    05/10/2011 Senate—Committee of the Whole - Be passed as amended—SJ 799
    05/10/2011 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ
    05/12/2011 House—Nonconcurred with amendments; Conference Committee requested;
          appointed Representative Brown, Representative Suellentrop and Representative
          Slattery as conferees—HJ 1266
    05/12/2011 Senate—Motion to accede adopted; Senator Wagle, Senator Vratil and Senator
          Holland appointed as conferees—SJ 1214
    05/12/2011 House—Concurred with amendments in conference; Yea: 103 Nay: 21—HJ
          1268
    05/25/2011 House—Approved by Governor on Wednesday, 25 May 2011—HJ 1662
H 2337
          Bill by Federal and State Affairs
    Licensing of abortion clinics by department of health and environment.
    02/14/2011 House—Introduced—HJ 254
    02/15/2011 House—Referred to Committee on Federal and State Affairs—HJ 260
    03/17/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Federal and State Affairs—HJ 549
H 2338
          Bill by Taxation
    Data Centers; sales tax exemptions.
    02/15/2011 House—Introduced—HJ 257
02/16/2011 House—Referred to Committee on Taxation—HJ 265
          Bill by Appropriations
H 2339
    Criminal code trailer bill.
    02/15/2011 House—Introduced—HJ 262
    02/16/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 265
    03/09/2011 House—Committee Report recommending bill be passed by Committee on
          Corrections and Juvenile Justice—HJ 440
   03/11/2011 House—Committee of the Whole - Be passed as amended—HJ 456 03/14/2011 House—Final Action - Passed as amended; Yea: 116 Nay: 7—HJ 465
    03/15/2011 Senate—Received and Introduced—SJ 347
    03/16/2011 Senate—Referred to Committee on Judiciary—SJ 364
    03/22/2011 Senate—Committee Report recommending bill be passed by Committee on
          Judiciary—SJ 438
    03/23/2011 Senate—Committee of the Whole - Be passed—SJ 481
    03/23/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 506
    04/08/2011 House—Approved by Governor on Friday, 08 April 2011—HJ 882
          Bill by Federal and State Affairs
    Substitute for HB 2340 by Committee on Health and Human Services -- Removal of
    the casino exemption from the smoking ban; addition of annual smoking event
    exemption.
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02/16/2011 House—Referred to Committee on Health and Human Services—HJ 265

02/15/2011 House—Introduced—HJ 262

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03/18/2011 House—Committee Report recommending substitute bill be passed by
          Committee on Health and Human Services—HJ 581
    03/22/2011 House—Committee of the Whole - Substitute bill be passed as amended—HJ
    03/23/2011 House—Final Action - Substitute passed as amended; Yea: 97 Nay: 26—HJ
    03/28/2011 Senate—Received and Introduced—SJ 513
    03/29/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 522
H 2341
          Bill by Appropriations
    Requiring certain beverage containers to be redeemable.
    02/16/2011 House—Introduced—HJ 264
    02/17/2011 House—Referred to Committee on Commerce and Economic Development—
          HJ 276
H 2342
          Bill by Taxation
    Property taxation; appraisal; mill levy adjustments.
    02/16/2011 House—Introduced—HJ 269
    02/17/2011 House—Referred to Committee on Taxation—HJ 276
          Bill by Federal and State Affairs
H 2343
    Relating to custody for adoption.
    02/16/2011 House—Introduced—HJ 269
02/17/2011 House—Referred to Committee on Judiciary—HJ 276
H 2344
          Bill by Federal and State Affairs
    Relating to permanency planning.
    02/16/2011 House—Introduced—HJ 269
    02/17/2011 House—Referred to Committee on Judiciary—HJ 276
          Bill by Federal and State Affairs
    Notification of parties of a temporary hearing.
    02/16/2011 House—Introduced—HJ 269
02/17/2011 House—Referred to Committee on Judiciary—HJ 276
          Bill by Federal and State Affairs
    Creating the classification of "aggravated sex offender;" creating additional penalties
    and restrictions for sex offenders.
    02/16/2011 House-Introduced-HJ 269
    02/17/2011 House—Referred to Committee on Judiciary—HJ 276
H 2347
           Bill by Taxation
    Earned income tax credit amount decreased and made nonrefundable.
    02/17/2011 House—Introduced—HJ 274
    02/18/2011 House—Referred to Committee on Taxation—HJ 285
    03/16/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Taxation—HJ 520
           Bill by Taxation
H 2348
    Requiring social security numbers on Kansas income tax returns.
    02/17/2011 House—Introduced—HJ 274
02/18/2011 House—Referred to Committee on Taxation—HJ 285
H 2349
           Bill by Taxation
    Requiring social security numbers in support of dependent care expenses.
    02/17/2011 House—Introduced—HJ 274
02/18/2011 House—Referred to Committee on Taxation—HJ 285
H 2350
          Bill by Taxation
    Imposing a payment in lieu of tax on certain pipeline property exempt from property
    taxation.
    02/17/2011 House—Introduced—HJ 274
    02/18/2011 House—Referred to Committee on Taxation—HJ 285
          Bill by Taxation
    Requiring dynamic scoring analysis in preparation of fiscal notes for legislative bills.
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02/17/2011 House-Introduced-HJ 274
    02/18/2011 House-Referred to Committee on Taxation-HJ 285
H 2352
          Bill by Taxation
    Notice and opportunity to be heard for counties in public utility exemption
    application process.
    02/17/2011 House—Introduced—HJ 274
02/18/2011 House—Referred to Committee on Taxation—HJ 285
          Bill by Federal and State Affairs
    Personal and family protection act; amendments.
    02/17/2011 House—Introduced—HJ 274
02/18/2011 House—Referred to Committee on Federal and State Affairs—HJ 285
          Bill by Federal and State Affairs
    State owned and operated casinos; north central Kansas gaming zone, Geary County.
    02/17/2011 House—Introduced—HJ 274
02/18/2011 House—Referred to Committee on Federal and State Affairs—HJ 285
          Bill by Taxation
    Requiring social security numbers in support of claims for food sales tax refunds.
    02/17/2011 House—Introduced—HJ 280
    02/18/2011 House—Referred to Committee on Taxation—HJ 285
          Bill by Appropriations
    Increasing earnings limitation for employment after retirement by a KPERS retirant
    with certain KPERS participating employers.
    02/18/2011 House—Introduced—HJ 284
02/21/2011 House—Referred to Committee on Pensions and Benefits—HJ 300
          Bill by Appropriations
H 2357
    Senate Substitute for HB 2357 by Committee on Ways and Means -- Bioscience
    authority; replacing the member appointed by KTEC with the secretary of
    02/18/2011 House—Introduced—HJ 284
    02/21/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
    03/14/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Agriculture and Natural Resources—HJ 474
    03/16/2011 House—Committee of the Whole - Be passed as amended—HJ 516
    03/17/2011 House—Final Action - Passed as amended; Yea: 118 Nay: 2—HJ 537
    03/17/2011 Senate—Received and Introduced—SJ 375
    03/18/2011 Senate—Referred to Committee on Ways and Means—SJ 384
    03/30/2011 Senate—Committee Report recommending bill be passed as amended by
          Committee on Ways and Means—SJ 582
    05/02/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and
          Means—SJ 653
    05/04/2011 Senate—Committee Report recommending substitute bill be passed by
          Committee on Ways and Means—SJ 691
    05/11/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and
          Means—SJ 854
          Bill by Appropriations
H 2358
    Decreasing sales tax rate and earned income tax credit and food sales tax refund
    02/18/2011 House-Introduced-HJ 284
    02/21/2011 House—Referred to Committee on Taxation—HJ 300
H 2359
          Bill by Appropriations
    Adding the department of corrections to statutes regarding payment of health care
    expenses for people in custody.
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02/18/2011 House—Introduced—HJ 284 02/21/2011 House—Referred to Committee on Transportation and Public Safety BudgetHJ 300

Bill by Appropriations H 2360

School districts; uniform chart of accounts.

02/18/2011 House-Introduced-HJ 293

02/21/2011 House—Referred to Committee on Education Budget—HJ 300

03/10/2011 House—Committee Report recommending bill be passed as amended by Committee on Education Budget—HJ 452

Bill by Taxation H 2361

Sales tax exemption for sales of and purchases by Civil Air Patrol.

02/21/2011 House—Introduced—HJ 299

02/22/2011 House—Referred to Committee on Taxation—HJ 308

Bill by Appropriations

Appropriations for waivers for fiscal year 2012, 2013 and 2014.

02/22/2011 House—Introduced—HJ 321

02/23/2011 House—Referred to Committee on Appropriations—HJ 328

Bill by Appropriations

Gubernatorial inauguration donations; disposition of residual monies.

02/23/2011 House—Introduced—HJ 327

02/24/2011 House—Referred to Committee on Elections—HJ 348

Bill by Appropriations

Relating to voter identification.

02/23/2011 House—Introduced—HJ 344 02/24/2011 House—Referred to Committee on Elections—HJ 348

Bill by Taxation

Imposing a tax on wire transmission of moneys outside the state.

02/24/2011 House—Introduced—HJ 392 02/25/2011 House—Referred to Committee on Taxation—HJ 394

Bill by Taxation

Sales tax authority for Douglas County.

03/02/2011 House—Introduced—HJ 414 03/03/2011 House—Referred to Committee on Taxation—HJ 422

Bill by Taxation

Schools; authorizing a tax credit to be used for educational scholarships.

03/03/2011 House—Introduced—HJ 419

03/04/2011 House—Referred to Committee on Education—HJ 423

Bill by Appropriations

Concerning appropriations; deleting the 20% credit to the state general fund.

03/03/2011 House—Introduced—HJ 419

03/04/2011 House—Referred to Committee on Appropriations—HJ 423

03/09/2011 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 439

Bill by Appropriations

Implementation of state fire marshal orders by a board of education.

03/03/2011 House—Introduced—HJ 419 03/04/2011 House—Referred to Committee on Education—HJ 423

Bill by Appropriations

Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the division of emergency management.

03/03/2011 House—Introduced—HJ 419 03/04/2011 House—Referred to Committee on Transportation and Public Safety Budget— HJ 423

H 2371 Bill by Federal and State Affairs

Amending the provisions of community corrections grants and continuing such programs in certain counties.

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03/03/2011 House—Introduced—HJ 420
    03/04/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 423
    03/10/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Corrections and Juvenile Justice—HJ 451
    03/15/2011 House—Committee of the Whole - Be passed as amended—HJ 503
    03/16/2011 House—Final Action - Passed as amended; Yea: 116 Nay: 7—HJ 514
    03/16/2011 Senate—Received and Introduced—SJ 365
    03/17/2011 Senate—Referred to Committee on Judiciary—SJ 374
          Bill by Federal and State Affairs
H 2372
    Requiring verification of employment eligibility and making other amendments
    concerning immigration.
    03/04/2011 House—Introduced—HJ 423
    03/07/2011 House—Referred to Committee on Judiciary—HJ 427
    03/22/2011 House—Motion to withdraw from Committee on Judiciary pending—HJ 671
    03/23/2011 House—Motion to withdraw from Committee on Judiciary not adopted;—HJ
H 2373
          Bill by Federal and State Affairs
    Combining life insurance with certain other riders such as for specific illness or
    disease coverage.
    03/07/2011 House—Introduced—HJ 427
    03/08/2011 House—Referred to Committee on Insurance—HJ 431
          Bill by Appropriations
    Appropriations for FY 2011, FY 2012 and FY 2013 for various state agenices.
    03/07/2011 House—Introduced—HJ 427
    03/08/2011 House—Referred to Committee on Appropriations—HJ 430
    03/09/2011 House—Committee Report recommending bill be passed by Committee on
          Appropriations—HJ 439
    03/14/2011 House—Committee of the Whole - Rereferred to Committee on
          Appropriations—HJ 473
    03/14/2011 House—Committee Report recommending bill be passed as amended by
          Committee on Appropriations—HJ 478
    03/15/2011 House—Committee of the Whole - Be passed as amended—HJ 504
    03/16/2011 House—Final Action - Passed as amended; Yea: 70 Nay: 53—HJ 515
    03/17/2011 Senate—Received and Introduced—SJ 375
    03/18/2011 Senate—Referred to Committee on Ways and Means—SJ 384
          Bill by Appropriations
    Creating acts providing for school accountability and parental choice.
    03/09/2011 House—Introduced—HJ 437
    03/10/2011 House—Referred to Committee on Education—HJ 449
          Bill by Appropriations
    Amending provisions of the Kansas uniform securities act relating to adoption of
    federal statutes and rules by reference; registration requirements; fees; securities act
    fee fund and investor education fund.
    03/09/2011 House—Introduced—HJ 437
03/10/2011 House—Referred to Committee on Financial Institutions—HJ 449
          Bill by Federal and State Affairs
    Creating the no taxpayer funding for abortion act; amending laws relating to late-
    term abortion.
    03/09/2011 House-Introduced-HJ 444
    03/10/2011 House—Referred to Committee on Federal and State Affairs—HJ 449
H 2378
          Bill by Taxation
    Authorizing sales tax authority for counties to establish community children's service
    fund to provide services for children and youth.
    03/10/2011 House—Introduced—HJ 452
03/11/2011 House—Referred to Committee on Taxation—HJ 455
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H 2379
          Bill by Taxation
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Reallocation of assessments after exemption of property and issuance of bonds in community improvement districts.

03/10/2011 House—Introduced—HJ 452

03/11/2011 House—Referred to Committee on Taxation—HJ 455

H 2380 Bill by Appropriations

Veterans benefit lottery game, disposition of net profits, national guard benefit lottery game fund and veterans benefit lottery game fund established.

03/10/2011 House—Introduced—HJ 452

03/11/2011 House—Referred to Committee on Federal and State Affairs—HJ 455

H 2381 Bill by Taxation Reduction to state income tax rates based on selected actual state general fund receipts computations, and sales tax rates and distribution.

03/10/2011 House—Introduced—HJ 452

03/11/2011 House—Referred to Committee on Taxation—HJ 455

03/15/2011 House—Committee Report recommending bill be passed by Committee on Taxation—HJ 506

H 2382 Bill by Appropriations

Appropriations for FY2011, FY2012 & FY2013 for capital improvements for various state agencies.

03/11/2011 House—Introduced—HJ 454

03/14/2011 House—Referred to Committee on Appropriations—HJ 462

03/28/2011 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 728

04/01/2011 House—Committee of the Whole - Be passed as amended—HJ 861

04/01/2011 House—Emergency Final Action - Passed as amended; Yea: 91 Nay: 30—HJ 864

04/27/2011 Senate—Received and Introduced—SJ 618

04/28/2011 Senate—Referred to Committee on Ways and Means—SJ 631

Bill by Appropriations

Senate Substitute for HB 2383 by Committee on Ways and Means -- Appropriations for FY 2011 through FY 2016 for various state agencies, omnibus appropriation act and omnibus reconciliation spending limit bill.

03/11/2011 House—Introduced—HJ 455

03/14/2011 House—Referred to Committee on Appropriations—HJ 462

03/28/2011 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 729

03/31/2011 House—Committee of the Whole - Be passed as amended—HJ 858

03/31/2011 House—Emergency Final Action - Passed as amended; Yea: 69 Nay: 52—HJ

04/01/2011 Senate-Received and Introduced-SJ 591

04/27/2011 Senate—Referred to Committee on Ways and Means—SJ 615 05/09/2011 Senate—Committee Report recommending substitute bill be passed by

Committee on Ways and Means—SJ 754

05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 1296

H 2384 Bill by Federal and State Affairs

Kansas preservation of religious freedom act.

03/11/2011 House—Introduced—HJ 460 03/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 462

Bill by Federal and State Affairs H 2385

Creating the relevant efficient academic learning education act.

03/11/2011 House—Introduced—HJ 460 03/14/2011 House—Referred to Committee on Education—HJ 462

H 2386 Bill by Federal and State Affairs

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Veterinary school students; spaying or neutering dogs and cats; animal shelters.
    03/11/2011 House—Introduced—HJ 460
    03/14/2011 House—Referred to Committee on Education—HJ 462
    03/21/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Education—HJ 593
    03/23/2011 House—Committee of the Whole - Be passed as amended—HJ 695
    03/23/2011 House—Emergency Final Action - Passed as amended; Yea: 123 Nay: 0—HJ
    03/28/2011 Senate—Received and Introduced—SJ 513
    03/29/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 522
           Bill by Federal and State Affairs
    Alcoholic beverages; amendments regarding retailer's licenses; fees, term and
    eligibility.
    03/11/2011 House—Introduced—HJ 460
    03/14/2011 House—Referred to Committee on Federal and State Affairs—HJ 462
           Bill by Appropriations
    Authorizing the Kansas development finance authority to issue mortgage revenue
    bonds.
    03/11/2011 House—Introduced—HJ 460
    03/14/2011 House—Referred to Committee on Financial Institutions—HJ 462
H 2389
           Bill by Federal and State Affairs
    Child abuse investigations; procedures.
    03/14/2011 House—Introduced—HJ 462
03/15/2011 House—Referred to Committee on Judiciary—HJ 503
H 2390
           Bill by Appropriations
    KAN-ED act; repeal.
    03/14/2011 House—Introduced—HJ 477
    03/15/2011 House—Referred to Committee on Appropriations—HJ 503
    03/30/2011 House—Withdrawn from Committee on Appropriations; Referred to
           Committee on General Government Budget—HJ 831
    03/30/2011 House—Committee Report recommending bill be passed as amended by
           Committee on General Government Budget—HJ 833
    04/01/2011 House—Committee of the Whole - Be passed as amended—HJ 861
    04/01/2011 House—Emergency Final Action - Passed as amended; Yea: 69 Nay: 51—HJ
           864
    04/27/2011 Senate—Received and Introduced—SJ 618
    04/28/2011 Senate—Referred to Committee on Utilities—SJ 630
           Bill by Taxation
    Marking certain anemometer towers used for wind energy testing.
    03/15/2011 House—Introduced—HJ 502
03/16/2011 House—Referred to Committee on Energy and Utilities—HJ 512
           Bill by Taxation
    Establishes a process for federal debt setoff of delinquent state debt.
    03/15/2011 House—Introduced—HJ 503
03/16/2011 House—Referred to Committee on Taxation—HJ 512
03/16/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Taxation—HJ 534
    03/22/2011 House—Committee of the Whole - Be passed as amended—HJ 670 03/23/2011 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 676
    03/28/2011 Senate—Received and Introduced—SJ 513
    03/29/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 522 03/30/2011 Senate—Committee Report recommending bill be passed by Committee on
           Assessment and Taxation—SJ 581
    04/01/2011 Senate—Committee of the Whole - Rereferred to Committee on Assessment
           and Taxation-SJ 591
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HISTORY OF BILLS

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04/28/2011 Senate—Withdrawn from Committee on Assessment and Taxation and re-
           referred to Committee of the Whole-SJ 633
    04/29/2011 Senate—Committee of the Whole - Be passed—SJ 648
    04/29/2011 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 649
    05/12/2011 House—Approved by Governor on Thursday, 12 May 2011—HJ 1662
           Bill by Appropriations
    State employees; abolishing longevity bonus.
    03/17/2011 House—Introduced—HJ 560
    03/18/2011 House—Referred to Committee on Appropriations—HJ 563
    03/28/2011 House—Committee Report recommending bill be passed as amended by
           Committee on Appropriations—HJ 779
    05/06/2011 House—Committee of the Whole - Motion to recommend favorably for
           passage failed Yea: 55 Nay: 60-HJ 1071
H 2394
           Bill by Appropriations
    Courts; court of appeals.
    03/18/2011 House—Introduced—HJ 583
03/21/2011 House—Referred to Committee on Judiciary—HJ 588
           Bill by Appropriations
    School districts; the expenditure of moneys in school district funds for general
    education purposes.
    03/21/2011 House—Introduced—HJ 632
03/22/2011 House—Referred to Committee on Appropriations—HJ 634
H 2396
           Bill by Appropriations
    Abolishing the commission on judicial performance.
    03/22/2011 House—Introduced—HJ 634
    03/23/2011 House—Referred to Committee on Appropriations—HJ 673
    05/02/2011 House—Committee Report recommending bill be passed by Committee on
           Appropriations—HJ 943
H 2397
           Bill by Appropriations
    Adequacy of state provision for finance of educational interests of the state.
    03/22/2011 House—Introduced—HJ 651
03/23/2011 House—Referred to Committee on Education Budget—HJ 673
H 2398
           Bill by Appropriations
    Amending the definition of feral swine and increasing the penalty for importing,
    transporting, possessing or releasing feral swine.
    03/28/2011 House—Introduced—HJ 726
    03/29/2011 House—Referred to Committee on Agriculture and Natural Resources Budget
            -HJ 782
H 2399
           Bill by Appropriations
    Relating to the amount of money the state public trust may pay for real property
    within the Treece community in Cherokee county.
    03/28/2011 House—Introduced—HJ 726
03/29/2011 House—Referred to Committee on Federal and State Affairs—HJ 782
           Bill by Appropriations
    School districts; amendment to definition of at-risk pupil.
    03/29/2011 House—Introduced—HJ 819
03/30/2011 House—Referred to Committee on Appropriations—HJ 821
           Bill by Taxation
    Consensus revenue estimate to include full amount of nonrefundable income tax
    credits when earned.
    03/30/2011 House—Introduced—HJ 827
03/31/2011 House—Referred to Committee on Taxation—HJ 835
H 2402
           Bill by Appropriations
    For fiscal years 2012, 2013, 2014 and 2015, five centers of excellence and three centers
    of innovation receive $2,000,000 from the increase in the tax base from bioscience
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development and investment.

03/30/2011 House—Introduced—HJ 827

03/31/2011 House—Referred to Committee on Appropriations—HJ 835

H 2403 Bill by Taxation

Property tax exemption and classification for property used for bed and breakfast home purposes.

03/30/2011 House—Introduced—HJ 832

03/31/2011 House—Referred to Committee on Taxation—HJ 835

H 2404 Bill by Taxation

Elimination of property tax exemption for certain pipeline property.

03/30/2011 House—Introduced—HJ 832 03/31/2011 House—Referred to Committee on Taxation—HJ 835

H 2405 Bill by Appropriations

Bill by Taxation

Converting classified attorneys in KDHE and SRS into unclassified attorneys.

03/31/2011 House—Introduced—HJ 843 04/01/2011 House—Referred to Committee on Social Services Budget—HJ 860

H 2406

Prohibiting the injury, intimidation, interference or harassment of any member of the military or an immediate family member of such member of the military; civil cause

04/01/2011 House-Introduced-HJ 863

04/27/2011 House-Referred to Committee on Judiciary-HJ 882

H 2407 Bill by Taxation

Distribution of sales tax revenues; income tax rate.

04/01/2011 House—Introduced—HJ 880

04/27/2011 House-Referred to Committee on Taxation-HJ 882

Bill by Appropriations H 2408

> Transferring the agrotourism program from the department of commerce to the department of agriculture.

04/28/2011 House—Introduced—HJ 927 04/29/2011 House—Referred to Committee on Agriculture and Natural Resources Budget -HJ 937

H 2409 Bill by Appropriations

Bonds relating to national bio and agro defense facility

05/03/2011 House—Introduced—HJ 975

05/04/2011 House—Referred to Committee on Appropriations—HJ 978

Bill by Appropriations H 2410

Racing and Gaming Commission; meeting and compensation of members.

05/03/2011 House—Introduced—HJ 975 05/04/2011 House—Referred to Committee on Appropriations—HJ 978

Bill by Taxation H 2411

Investment standards and divestment procedures for KPERS related to Iran.

05/04/2011 House—Introduced—HJ 978 05/05/2011 House—Referred to Committee on Pensions and Benefits—HJ 1023

TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS

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Concurrent Resolution by Representatives O'Neal, Davis
H 5001
    Committee to inform governor that legislature is organized, 2011.
    01/10/2011 House—Introduced—HJ 54
    01/10/2011 House-Adopted without roll call-HJ 54
    01/10/2011 Senate—Received and Introduced—SJ 17
    01/14/2011 House—Enrolled and presented to Secretary of State—HJ 83
H 5002
          Concurrent Resolution by Representatives O'Neal, Davis
    Joint session for hearing message of the governor.
    01/10/2011 House—Introduced—HJ 55
    01/10/2011 House—Adopted without roll call—HJ 55
    01/10/2011 Senate—Received and Introduced—SJ 18
    01/14/2011 House—Enrolled and presented to Secretary of State—HJ 83
          Concurrent Resolution by Representatives O'Neal, Davis
H 5003
    Joint rules for the Senate and House of Representatives.
    01/10/2011 House—Introduced—HJ 55
    01/10/2011 House—Adopted without roll call—HJ 55
    01/10/2011 Senate—Received and Introduced—SJ 18
    01/11/2011 Senate—Referred to Committee on Organization, Calendar and Rules—SJ 20
    01/27/2011 Senate—Committee Report recommending resolution be adopted as amended
          by Committee on Organization, Calendar and Rules—SJ 79
    02/03/2011 Senate—Committee of the Whole - Be adopted as amended—SJ 99
    02/03/2011 Senate—Emergency Final Action - Adopted as amended; Yea: 38 Nay: 0—SJ
    02/09/2011 House—Concurred with amendments; Yea: 116 Nay: 3—HJ 213
    02/22/2011 House—Enrolled and presented to Secretary of State—HJ 325
          Concurrent Resolution by Federal and State Affairs
    Constitutional amendment; city home rules, charter ordinance restriction.
    01/13/2011 House—Introduced—HJ 77
    01/14/2011 House—Referred to Committee on Local Government—HJ 82
          Concurrent Resolution by Energy and Utilities
    Establishing targets for energy development, consumption and costs.
    01/20/2011 House—Introduced—HJ 94
    01/21/2011 House—Referred to Committee on Energy and Utilities—HJ 97
          Concurrent Resolution by Representative Kinzer
    Constitutional amendment concerning appropriations of money and expenditure of
    funds approprited by law by the legislative branch.
    01/24/2011 House—Introduced—HJ 104
01/25/2011 House—Referred to Committee on Judiciary—HJ 109
    02/18/2011 House—Committee Report recommending resolution be adopted as amended
          by Committee on Judiciary—HJ 290
H 5007
          Concurrent Resolution by Representatives Landwehr, Mosier, Denning, Rubin,
    Alford, Arpke, Boman, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Crum,
    DeGraaf, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory,
    Grosserode, Hayzlett, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Huebert,
    Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Mast, McLeland, Meigs, Mesa,
    Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades,
    Ryckman, Scapa, Schwartz, Seiwert, Siegfreid, Smith, Suellentrop, Vickrey, Weber, B.
    Constitutional amendment to preserve right to choose health care services and
    participate in health insurance plan.
   01/31/2011 House—Introduced—HJ 132
02/03/2011 House—Referred to Committee on Health and Human Services—HJ 148
    02/04/2011 House—Committee Report recommending resolution be adopted as amended
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by Committee on Health and Human Services-HJ 163
    02/10/2011 House—Committee of the Whole - Be adopted as amended Yea: 93 Nay: 26—
          HJ 223
    02/11/2011 House—Final Action - Adopted as amended; Yea: 91 Nay: 27—HJ 236
    02/14/2011 Senate—Received and Introduced—SJ 161
    02/15/2011 Senate—Referred to Committee on Judiciary—SJ 194
          Concurrent Resolution by Elections
H 5008
    State constitutional amendment relating to the reapportionment of senatorial and
    representative districts.
    02/03/2011 House—Introduced—HJ 157
    02/04/2011 House—Referred to Committee on Calendar and Printing—HJ 160
          Concurrent Resolution by Joint Energy and Environmental Policy
    Urging the EPA to develop regulations that minimize adverse impacts.
    02/04/2011 House—Introduced—HJ 167
    02/07/2011 House—Referred to Committee on Energy and Utilities—HJ 171
    02/21/2011 House—Committee Report recommending resolution be adopted and placed
          on Consent Calendar by Committee on Energy and Utilities-HJ 304
    02/24/2011 House—Final Action - Adopted; Yea: 116 Nay: 5—HJ 348
    02/24/2011 Senate—Received and Introduced—SJ 265
    02/25/2011 Senate—Referred to Committee on Utilities—SJ 271
    03/10/2011 Senate—Committee Report recommending resolution be adopted by
          Committee on Utilities—SJ 309
    03/16/2011 Senate—Committee of the Whole - Be adopted—SJ 370
    03/17/2011 Senate—Final Action - Adopted; Yea: 38 Nay: 0—SJ 380
    03/28/2011 House—Enrolled and presented to Secretary of State
          Concurrent Resolution by Education
    Constitutional amendment concerning school finance; suitable finance of public
    school funds in the amount and manner determined by the legislature.
    02/08/2011 House-Introduced-HJ 190
    02/09/2011 House—Referred to Committee on Education—HJ 213
    03/10/2011 House—Committee Report recommending resolution be adopted as amended
          by Committee on Education—HJ 451
    03/14/2011 House—Withdrawn from Calendar, Rereferred to Committee on Education—
          HJ 478
    03/22/2011 House—Committee Report recommending resolution be adopted as amended
          by Committee on Education-HJ 650
H 5011
          Concurrent Resolution by Government Efficiency
    Constitutional amendment; creating a contingency reserve fund and debt
    prepayment fund in the state treasury; annual transfers and withdrawals only under
    certain circumstances.
    02/08/2011 House—Introduced—HJ 208
02/09/2011 House—Referred to Committee on Taxation—HJ 213
          Concurrent Resolution by Energy and Utilities
H 5012
    Establishing policy goals for energy development, consumption and costs.
    02/09/2011 House—Introduced—HJ 215
02/10/2011 House—Referred to Committee on Energy and Utilities—HJ 220
H 5013
          Concurrent Resolution by Federal and State Affairs
    Constitutional amendment to provide revenue, expenditure and taxation limitations
    on state government.
    02/10/2011 House—Introduced—HJ 225
02/11/2011 House—Referred to Committee on Taxation—HJ 233
          Concurrent Resolution by Representatives O'Neal, Davis
    Joint session to hear message from the Supreme Court.
    02/14/2011 House—Introduced—HJ 252
02/14/2011 House—Adopted without roll call—HJ 252
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02/15/2011 Senate—Received and Introduced—SJ 194

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02/22/2011 House—Enrolled and presented to Secretary of State—HJ 325
H 5015
          Concurrent Resolution by Judiciary
    Governor appoints supreme court justices, senate consents; nominating commission
    membership amended; lifetime appoint, subject to removal for cause.
    02/15/2011 House—Introduced—HJ 257
    02/16/2011 House—Referred to Committee on Judiciary—HJ 265
          Concurrent Resolution by Representative Fawcett
    Urging Congress to extend equal benefits for the treatment of Agent Orange exposure
    to Vietnam veterans who served outside of Vietnam.
    02/16/2011 House-Introduced-HJ 269
    02/17/2011 House—Referred to Committee on Veterans, Military and Homeland Security
           —HJ 276
    02/22/2011 House—Committee Report recommending resolution be adopted as amended
           by Committee on Veterans, Military and Homeland Security—HJ 319
    03/10/2011 House—Committee of the Whole - Be adopted as amended—HJ 450
    03/11/2011 House—Final Action - Adopted as amended; Yea: 119 Nay: 0—HJ 455
    03/14/2011 Senate—Received and Introduced—SJ 313
    03/15/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 20
          Concurrent Resolution by Taxation
    Constitutional amendment authorizing legislature to provide for classification and
    taxation of watercraft.
    02/17/2011 House—Introduced—HJ 274
    02/18/2011 House-Referred to Committee on Taxation-HJ 285
    03/14/2011 House—Committee Report recommending resolution be adopted by
           Committee on Taxation—HJ 474
    03/18/2011 House—Committee of the Whole - Be adopted—HJ 566
    03/21/2011 House—Final Action - Adopted; Yea: 121 Nay: 2—HJ 589
    03/21/2011 Senate—Received and Introduced—SJ 399
03/22/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 432
           Concurrent Resolution by Education
H 5018
    Constitutional amendment to abolish state board of education and create secretary of
    education.
    02/17/2011 House—Introduced—HJ 280
    02/18/2011 House—Referred to Committee on Education—HJ 285
           Concurrent Resolution by Appropriations
    Requesting a study and recommendations by the state board of education on an
    administrative reorganization of school districts.
    02/18/2011 House—Introduced—HJ 284
    02/21/2011 House—Referred to Committee on Education—HJ 300
           Concurrent Resolution by Representatives O'Neal, Siegfreid, Vickrey
H 5020
    Endorsing Taiwan's participation as an observer in the ICAO and UNFCCC.
    02/21/2011 House—Introduced—HJ 299
02/22/2011 House—Referred to Committee on Federal and State Affairs—HJ 308
    03/14/2011 House—Committee Report recommending resolution be adopted and placed
           on Consent Calendar by Committee on Federal and State Affairs—HJ 474
    03/17/2011 House—Final Action - Adopted; Yea: 120 Nay: 0—HJ 537 03/17/2011 Senate—Received and Introduced—SJ 375
    03/18/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 384
           Concurrent Resolution by Representatives O'Neal, Davis
    Adjournment for a time during the 2011 legislature.
    02/23/2011 House—Introduced—HJ 327
    02/25/2011 House—Adopted without roll call—HJ 394 02/25/2011 Senate—Received and Introduced—SJ 272
    02/25/2011 Senate—Adopted without roll call—SJ 272
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03/07/2011 House—Enrolled and presented to Secretary of State
          Concurrent Resolution by Special Natural Gas Storage Fields and Facilities
    Urging adoption of federal regulations or policies permitting Kansas to regulate the
    underground storage of natural gas in interstate transportation.
    03/02/2011 House—Introduced—HJ 414
    03/03/2011 House—Referred to Committee on Energy and Utilities—HJ 422
    03/14/2011 House—Committee Report recommending resolution be adopted by
          Committee on Energy and Utilities—HJ 474
    03/21/2011 House—Committee of the Whole - Be adopted—HJ 599
    03/22/2011 House—Final Action - Adopted; Yea: 121 Nay: 0—HJ 634
    03/22/2011 Senate—Received and Introduced—SJ 438
    03/23/2011 Senate—Referred to Committee on Utilities—SJ 471
H 5023
          Concurrent Resolution by Energy and Utilities
    Urging Congress to permit the Kansas Corporation Commission to regulate
    hydraulic fracturing.
    03/03/2011 House—Introduced—HJ 420
    03/04/2011 House—Referred to Committee on Energy and Utilities—HJ 423
    03/11/2011 House—Committee Report recommending resolution be adopted by
          Committee on Energy and Utilities—HJ 458
    03/15/2011 House—Committee of the Whole - Be adopted—HJ 503
    03/16/2011 House—Final Action - Adopted; Yea: 123 Nay: 0—HJ 515
    03/16/2011 Senate—Received and Introduced—SJ 365
    03/17/2011 Senate—Referred to Committee on Utilities—SJ 374
H 5024
          Concurrent Resolution by Representative O'Neal
    House concurrent resolution recognizing Lecompton as a Territorial Capital.
    03/09/2011 House—Introduced—HJ 444
    05/03/2011 House—Adopted without roll call—HJ 949
    05/03/2011 Senate—Received and Introduced—SJ 663
    05/03/2011 Senate—Referred to Committee of the Whole—SJ 666
    05/04/2011 Senate—Committee of the Whole - Be adopted—SJ 688
    05/04/2011 Senate—Emergency Final Action - Adopted; Yea: 39 Nay: 0—SJ 689
    05/12/2011 House—Enrolled and presented to Secretary of State—HJ 1660
H 5025
          Concurrent Resolution by Transportation
    Truck size and weight limits.
    03/10/2011 House—Introduced—HJ 449
    03/11/2011 House—Referred to Committee on Transportation—HJ 455
H 5026
          Concurrent Resolution by Representatives Ruiz, Goico, Gonzalez, Mesa
    Outlining the State of Kansas' principles regarding immigration reform policy.
    03/28/2011 House—Introduced—HJ 726
03/29/2011 House—Referred to Committee on Federal and State Affairs—HJ 782
          Concurrent Resolution by Vision 2020
H 5027
    Promoting solar energy and solar electric cooperatives in Kansas.
    04/28/2011 House—Introduced—HJ 927
    04/29/2011 House—Referred to Committee on Energy and Utilities—HJ 937
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TITLE AND HISTORY OF HOUSE RESOLUTIONS

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Resolution by Representatives O'Neal, Davis
H 6001
    A RESOLUTION concerning organization of the House of Representatives, 2011.
    01/10/2011 House—Introduced—HJ 21
    01/10/2011 House—Adopted without roll call—HJ 21
    01/14/2011 House—Enrolled—HJ 83
          Resolution by Representatives O'Neal, Davis
    A RESOLUTION concerning assignment of seats in House of Representatives, 2011.
    01/10/2011 House—Introduced—HJ 21
    01/10/2011 House—Adopted without roll call—HJ 21
    01/14/2011 House—Enrolled—HJ 83
H 6003
          Resolution by Representatives O'Neal, Davis
    A RESOLUTION concerning Rules of the House of Representatives, 2011 session.
    01/10/2011 House-Introduced-HJ 22
    01/10/2011 House—Adopted without roll call—HJ 22
    01/14/2011 House—Enrolled—HJ 83
          Resolution by Representative O'Neal
    A RESOLUTION concerning Permanent Rules of the House.
    01/10/2011 House-Introduced-HJ 24
    01/10/2011 House-Referred to Committee on Rules and Journal-HJ 62
    01/31/2011 House—Committee Report recommending substitute resolution be adopted by
          Committee on Rules and Journal—HJ 146
    02/04/2011 House—Committee of the Whole - Be adopted as amended Yea: 74 Nay: 34—
          HJ 163
    02/07/2011 House-Final Action - Adopted as amended; Yea: 76 Nay: 45-HJ 181
    02/21/2011 House-Enrolled
          Resolution by Representatives Hoffman, Alford, Arpke, Aurand, Ballard, Bethell,
    Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess,
    Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf,
    Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund,
    Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant,
    Gregory, Grosserode, Hayzlett, Henderson, Henry, Hermanson, Hildabrand, Hill,
    Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen,
    Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-
    Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal,
    Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl,
    Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert,
    Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer,
    Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore,
    Worley
    A RESOLUTION honoring former Kansas Representative Don Rezac.
    01/18/2011 House—Introduced—HJ 87
01/18/2011 House—Adopted without roll call—HJ 87
01/26/2011 House—Enrolled—HJ 117
          Resolution by Representatives O'Neal, Pauls, Seiwert
    A RESOLUTION recognizing January 21, 2011, as Dentist Appreciation Day.
    01/18/2011 House—Introduced—HJ 88
    01/19/2011 House—Adopted without roll call—HJ 92 01/26/2011 House—Enrolled—HJ 117
H 6007
          Resolution by Representatives O'Neal, Davis
    A RESOLUTION related to assignment of seats of the House of Representatives.
    01/24/2011 House—Introduced—HJ 103
    01/24/2011 House—Adopted without roll call—HJ 103 01/26/2011 House—Enrolled—HJ 117
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H 6008 Resolution by Energy and Utilities

A RESOLUTION opposing the Environmental Protection Agency's regulatory train wreck.

01/26/2011 House—Introduced—HJ 115

01/27/2011 House—Referred to Committee on Energy and Utilities—HJ 120

03/18/2011 House—Committee Report recommending resolution be adopted as amended by Committee on Energy and Utilities—HJ 570

03/23/2011 House—Committee of the Whole - Be adopted as amended—HJ 695

03/28/2011 House—Final Action - Adopted as amended; Yea: 100 Nay: 22—HJ 722

03/31/2011 House—Enrolled—HJ 859

H 6009 Resolution by Agriculture and Natural Resources

A RESOLUTION urging the U.S. Army Corps of Engineers to accept "Life of the Project" conservation easements.

02/16/2011 House—Introduced—HJ 265

02/17/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ $276\,$

03/08/2011 House—Committee Report recommending substitute resolution be adopted by Committee on Agriculture and Natural Resources—HJ 434

03/10/2011 House—Committee of the Whole - Substitute resolution be adopted—HJ 450 03/10/2011 House—Emergency Final Action - Substitute adopted; Yea: 117 Nay: 0—HJ

03/15/2011 House—Enrolled—HJ 510

H 6010 Resolution by Representatives Hoffman, Wetta

A RESOLUTION designating the Anthony 9/11 memorial as the official Kansas 9/11 memorial.

02/21/2011 House-Introduced-HJ 300

02/22/2011 House—Referred to Committee on Commerce and Economic Development— HJ 308

H 6011 Resolution by Federal and State Affairs

A RESOLUTION supporting attorney general's legal challenge of the Patient Protection and Affordable Care Act.

02/23/2011 House—Introduced—HJ 338

02/24/2011 House—Referred to Committee on Health and Human Services—HJ 348 03/11/2011 House—Committee Report recommending resolution be adopted as amended by Committee on Health and Human Services—HJ 458

H 6012 Resolution by Representative Sloan

A RESOLUTION honoring former Kansas legislator Robert V. Talkington.

03/02/2011 House—Introduced—HJ 416

03/21/2011 House—Adopted without roll call—HJ 588 03/23/2011 House—Enrolled—HJ 716

H 6013 Resolution by Representatives O'Neal, Billinger, Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore, Worley

A RESOLUTION in memory of Jim Morrison.

03/07/2011 House—Introduced—HJ 427

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03/17/2011 House—Adopted without roll call—HJ 536
    03/21/2011 House—Enrolled—HJ 632
          Resolution by Representatives Bethell, Alford, Arpke, Aurand, Ballard, Billinger,
    Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs,
    Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning,
    Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D.
    Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory,
    Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman,
    Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen,
    Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-
    Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,
    O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott,
    Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz,
    Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze,
    Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf,
    Wolfe Moore, Worley
    A RESOLUTION honoring former Kansas representative Dick Wellman.
    03/08/2011 House—Introduced—HJ 431
    03/23/2011 House—Adopted without roll call—HJ 674
    03/29/2011 House—Enrolled—HJ 819
          Resolution by Federal and State Affairs
    A RESOLUTION requiring Attorney General to bring suit to test constitutionality of
    a provision of Kansas Expanded Lottery Act.
    03/09/2011 House—Introduced—HJ 445
    03/10/2011 House-Referred to Committee on Federal and State Affairs-HJ 449
    03/16/2011 House—Committee Report recommending resolution be adopted as amended
          by Committee on Federal and State Affairs-HJ 517
    04/28/2011 House—Committee of the Whole - Be adopted as amended Yea: 63 Nay: 59—
    04/28/2011 House—Emergency Final Action - Not adopted; Yea: 59 Nay: 62—HJ 926
          Resolution by Representatives Phelps, Collins
    A RESOLUTION commending the Kansas Academy of Math & Science
    03/16/2011 House—Introduced—HJ 512
    03/16/2011 House—Adopted without roll call—HJ 512
    03/21/2011 House—Enrolled—HJ 632
H 6017
          Resolution by Transportation
    A RESOLUTION concerning truck size and weight limits.
    03/17/2011 House—Introduced—HJ 560
    03/18/2011 House—Referred to Committee on Transportation—HJ 564
    03/22/2011 House—Committee Report recommending resolution be adopted by
          Committee on Transportation—HJ 650
   04/28/2011 House—Committee of the Whole - Be adopted—HJ 932 04/29/2011 House—Final Action - Adopted; Yea: 119 Nay: 0—HJ 938
    05/04/2011 House—Enrolled—HJ 1021
          Resolution by Representatives Mah, Alford, Arpke, Ballard, Billinger, Boman,
    Bowers, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Crum, Davis, Denning,
    Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D.
    Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory,
    Henderson, Henry, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly,
    Kiegerl, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier,
    Mesa, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Rhoades,
    Ruiz, Scapa, Schroeder, Seiwert, Shultz, Siegfreid, Slattery, Smith, Tietze, Trimmer,
    Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, Wolfe Moore, Worley
    A RESOLUTION designating March 30th as "Welcome Home Vietnam Veterans
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Day."

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03/21/2011 House—Introduced—HJ 597
    03/30/2011 House—Adopted without roll call—HJ 821
    03/31/2011 House—Enrolled—HJ 859
H 6019
          Resolution by Representatives Knox, Alford, Arpke, Aurand, Ballard, Bethell,
    Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess,
    Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf,
    Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund,
    Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant,
    Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill,
    Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly,
    Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast,
    McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien,
    O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell,
    Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab,
    Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop,
    Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn,
    K. Wolf, B. Wolf, Wolfe Moore, Worley
    A RESOLUTION honoring former Kansas Representative Howard Sell.
    03/29/2011 House—Introduced—HJ 783
    05/03/2011 House-Adopted without roll call-HJ 948
    05/05/2011 House—Enrolled—HJ 1067
H 6020
          Resolution by Representatives Kuether, Alford, Hineman, C. Holmes, Knox,
    Swanson
    A RESOLUTION urging modifications to the National Broadband Plan for the
    benefit of rural residents of Kansas.
    03/29/2011 House-Introduced-HJ 784
    03/30/2011 House—Referred to Committee on Energy and Utilities—HJ 821
H 6021
          Resolution by Representative Bollier
    A RESOLUTION - Public health week
    03/31/2011 House-Introduced-HJ 843
    04/01/2011 House—Adopted without roll call—HJ 861
    04/27/2011 House—Enrolled—HJ 923
          Resolution by Representatives Carlin, Alford, Arpke, Aurand, Ballard, Bethell,
    Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess,
    Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf,
    Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund,
    Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant,
    Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill,
    Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly,
    Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast,
    McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien,
    O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell,
    Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab,
    Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop,
    Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn,
    K. Wolf, B. Wolf, Wolfe Moore, Worley
    A RESOLUTION recognizing April as the Month of the Military Child.
    04/27/2011 House—Introduced—HJ 884
    04/27/2011 House—Adopted without roll call—HJ 884 04/29/2011 House—Enrolled—HJ 940
          Resolution by Representative D. Gatewood
    A RESOLUTION congratulating and commending Columbus Unified High School
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for being named a 2011 MetLife Foundation-NASSP Breakthrough School.

04/28/2011 House-Introduced-HJ 929

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05/04/2011 House—Adopted without roll call—HJ 978
    05/04/2011 House—Enrolled—HJ 1021
H 6024
          Resolution by Energy and Utilities
    A RESOLUTION Urging adoption of federal regulations permitting Kansas to
    regulate the underground storage of natural gas.
    04/28/2011 House—Introduced—HJ 932
    04/29/2011 House—Referred to Committee on Energy and Utilities—HJ 937
    05/02/2011 House—Committee Report recommending resolution be adopted and placed
          on Consent Calendar by Committee on Energy and Utilities—HJ 943
    05/05/2011 House—Final Action - Adopted; Yea: 117 Nay: 0—HJ 1026
    05/10/2011 House—Enrolled—HJ 1130
          Resolution by Energy and Utilities
    A RESOLUTION Urging the United States Congress to permit the KCC to regulate
    hydraulic fracturing.
    04/28/2011 House-Introduced-HJ 933
    04/29/2011 House—Referred to Committee on Energy and Utilities—HJ 937
    05/02/2011 House—Committee Report recommending resolution be adopted and placed
          on Consent Calendar by Committee on Energy and Utilities—HJ 943
    05/05/2011 House—Final Action - Adopted; Yea: 117 Nay: 0—HJ 1026
    05/10/2011 House—Enrolled—HJ 1130
H 6026
          Resolution by Representatives Davis, Burroughs, Phelps, Ballard, Winn and Tietze
    A RESOLUTION concerning remarks of Virgil Peck.
    04/28/2011 House—Introduced—HJ 935
    04/29/2011 House—Referred to Committee on Rules and Journal—HJ 937
H 6027
          Resolution by Energy and Utilities
    A RESOLUTION urging modifications to the National Broadband Plan.
    05/02/2011 House—Introduced—HJ 943
    05/03/2011 House—Referred to Committee on Energy and Utilities—HJ 948
    05/03/2011 House—Committee Report recommending resolution be adopted and placed
          on Consent Calendar by Committee on Energy and Utilities—HJ 976
    05/06/2011 House-Final Action - Adopted; Yea: 116 Nay: 0-HJ 1069
    05/10/2011 House—Enrolled—HJ 1130
H 6028
          Resolution by Representative O'Neal
    A RESOLUTION congratulating and commending Randy Hearrell.
    05/03/2011 House—Introduced—HJ 949
    05/04/2011 House—Adopted without roll call—HJ 978
    05/10/2011 House—Enrolled—HJ 1130
H 6029
          Resolution by Representatives Schwartz, Carlin, Mosier
    A RESOLUTION congratulating and commending Kansas State University women's
    basketball program and head coach Deb Patterson.
    05/04/2011 House—Introduced—HJ 1020
05/05/2011 House—Adopted without roll call—HJ 1025
    05/10/2011 House-Enrolled-HJ 1130
          Resolution by Representatives Davis, Alford, Arpke, Aurand, Ballard, Bethell,
    Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess,
    Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf,
    Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber,
    D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory,
    Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman,
    Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerly, Kerschen,
    Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-
    Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,
    O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott,
    Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz,
    Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze,
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Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley

A RESOLUTION In memory of Representative Terry McLachlan.

05/05/2011 House—Introduced—HJ 1023

05/05/2011 House—Adopted without roll call—HJ 1023

05/10/2011 House—Enrolled—HJ 1130

H 6031 Resolution by Representatives Brunk, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore, Worley

A RESOLUTION congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.

05/09/2011 House—Introduced—HJ 1110

05/10/2011 House—Adopted without roll call—HJ 1112

05/11/2011 House—Enrolled—HJ 1181

H 6032 Resolution by Representatives Mesa, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore, Worley

A RESOLUTION congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

05/10/2011 House—Introduced—HJ 1113

05/10/2011 House—Adopted without roll call—HJ 1113

05/11/2011 House—Enrolled—HJ 1181

H 6033 Resolution by Representative Burroughs

A RESOLUTION congratulating Chief Bearskin on his service.

05/12/2011 House—Introduced—HJ 1261

05/12/2011 House—Adopted without roll call—HJ 1261

05/13/2011 House—Enrolled—HJ 1660

EXECUTIVE REORGANIZATION ORDERS

ERO 34 Executive Reorganization Order No. 34, Consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 et seq. And establishing the Prisoner Review Board within the Department of Corrections.

Governor Sam Brownback

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1/24/2011 House -- Received - HJ 101
1/24/2011 House -- Introduced - HJ 101
1/25/2011 House -- Referred to Corrections and Juvenile Justice Oversight - HJ 109
6/1/2011 House -- Time limit for action expired; ERO becomes effective July 1, 2011
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ERO 35 Executive Reorganization Order No. 35, Transferring the functions of the Commission on Disability Concerns under K.S.A. 74-6701 *et seq*. from the Department of Commerce to the Office of the Governor.

Governor Sam Brownback

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1/25/2011 House --Received – HJ 109
1/25/2011 House --Introduced – HJ 109
1/26/2011 House --Referred to Judiciary – HJ 114
2/3/2011 House --Corrected version received – HJ 148
6/1/2011 House --Time limit for action expired; ERO becomes effective July 1, 2011
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ERO 36 Executive Reorganization Order No. 36, Renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; Abolishing the Assistant Secretary of Operations position and creating an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism; and transferring the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism.

Governor Sam Brownback

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1/27/2011 House --Received - HJ 120
1/27/2011 House --Introduced - HJ 120
1/28/2011 House --Referred to Agriculture and Natural Resources - HJ 127
2/3/2011 House --Corrected version received - HJ 151
6/1/2011 House - Time limit for action expired; ERO becomes effective July 1, 2011
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ERO 37 Executive Reorganization Order No. 37, abolishing Kansas Inc. as established by K.S.A. 74-8001 *et seq*. and appointing the Secretary of Administration to efficiently wrap up and conclude the affairs of Kansas, Inc. and to satisfy any outstanding liabilities or commitments of Kansas Inc.

Governor Sam Brownback

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2/7/2011 House --Received – HJ 171
2/7/2011 House --Introduced – HJ 171
2/8/2011 House --Referred to Commerce and Economic Development – HJ 192
6/1/2011 House --Time limit for action expired; ERO becomes effective July 1, 2011
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ERO 38 Executive Reorganization Order No. 38, reorganizing the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 *et seq.* into the Division of Health Care Finance within the Department of Health and Environment.

Governor Sam Brownback

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2/7/2011 House --Received – HJ 174
2/7/2011 House --Introduced – HJ 174
2/8/2011 House --Referred to Health and Human Services – HJ 192
6/1/2011 House --Time limit for action expired; ERO becomes effective July 1, 2011
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ERO 39 Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission established by K.S.A. 74-5202 and the office of executive director of the commission established by K.S.A. 74-5204 and transferring the powers, duties, and functions to the state historical society.

Governor Sam Brownback

- 2/8/2011 House --Received HJ 192
 2/8/2011 House --Introduced HJ 192
 2/9/2011 House --Referred to General Government Budget HJ 213
 6/1/2011 House -- Time limit for action expired; ERO becomes effective July 1, 2011
- ERO 40 Executive Reorganization Order No. 40, transferring the Agriculture Products Development Division within the Department of Commerce to the Department of Agriculture and renaming the Marketing and Promotions Program; consolidating the Kansas Animal Health Department and the Livestock Commissioner within the Department of Agriculture as the Animal Health Division; consolidating the State Conservation Commission within the Department of Agriculture as the Conservation Division.

Governor Sam Brownback

- 2/8/2011 House -- Received HJ 194
- 2/8/2011 House --Introduced HJ 194
- 2/9/2011 House -- Referred to Agriculture and Natural Resources HJ 213
- 6/1/2011 House Time limit for action expired; ERO becomes effective July 1, 2011

FINAL

HOUSE CALENDAR

No. 66

JANUARY 10, 2011 THROUGH JUNE 1, 2011

NUMERICAL SCHEDULE OF HOUSE BILLS - 2011

2001 Signed, E Dt 7/1/11	2032 Corr & Juv Jus	2065 Local Gov
2002 Fed & St Aff	2033 Signed, E Dt	2066 Sen Local Gov
2003 Signed, E Dt 3/31/11	3/17/11	2067 Signed, E Dt 7/1/11
Sub	2034 Sen Tran	2068 Judiciary
2004 Sen Education	2035 Signed, E Dt 7/1/11	Sub
2005 Education	2036 Judiciary	2069 Sen Ways & Means
2006 Killed, Sen Comm	2037 Rules & Jour	2070 Sen Judiciary
2007 Fed & St Aff	2038 Signed, E Dt 7/1/11	S Sub
S Sub	2039 Health/Hum	2071 Signed, E Dt 7/1/11
2008 Signed, E Dt 7/1/11	2040 Health/Hum	2072 Judiciary
2009 Corr & Juv Jus	2041 Local Gov	2073 Judiciary
2010 Signed, E Dt 7/1/11	2042 Sen Ways & Means	2074 Signed, E Dt 7/1/11
2011 Taxation	2043 Education	2075 Signed, E Dt 6/2/11
2012 Ed Budget	2044 Signed, E Dt 7/1/11	2076 Signed, E Dt 5/19/11
2013 Signed, E Dt 7/1/11	2045 Corr & Juv Jus	2077 Sen Fin Inst & Ins
S Sub	2046 Ag & Lg Trm Cr	2078 Signed, E Dt 7/1/11
2014 Signed (line item	2047 Ag & Lg Trm Cr	2079 Education
vetoes), E Dt 6/9/11	2048 Health/Hum	2080 Signed, E Dt 7/1/11
2015 Signed, E Dt 7/1/11	S Sub	2081 Health/Hum
2016 Education	2049 Signed, E Dt 5/26/11	2082 Signed, E Dt 7/1/11
2017 Sen Ways & Means	2050 Engy & Util	2083 Signed, E Dt 7/1/11
2018 Education	2051 Taxation	2084 Local Gov
2019 Education	2052 Taxation	2085 Insurance
2020 Signed, E Dt 5/19/11	2053 Ed Budget	2086 Pen & Ben
2021 Ed Budget	2054 Signed, E Dt 6/02/11	2087 Sen Judiciary
2022 Corr & Juv Jus	2055 Corr & Juv Jus	2088 Sen Local Gov
	2056 Signed, E Dt 7/1/11	2089 Agri & Nat Res
2024 Education	2057 Signed, E Dt 7/1/1	2090 Ed Budget
2025 Trans	2058 Strick, Rule 1507	2091 General Orders
2026 Fed & St Aff		
	2059 Corr & Juv Jus	2092 Comm & Econ Dev
	2060 Signed, E Dt 7/1/11	2093 Strick, Rule 1507
2028 Signed, E Dt 7/1/11	2060 Signed, E Dt 7/1/11 2061 Corr & Juv Jus	2093 Strick, Rule 1507 2094 Health/Hum
2028 Signed, E Dt 7/1/11 2029 Signed, E Dt 7/1/11	2060 Signed, E Dt 7/1/11 2061 Corr & Juv Jus 2062 Corr & Juv Jus	2093 Strick, Rule 1507 2094 Health/Hum 2095 Health/Hum
2028 Signed, E Dt 7/1/11 2029 Signed, E Dt 7/1/11 2030 Signed, E Dt 7/1/11	2060 Signed, E Dt 7/1/11 2061 Corr & Juv Jus 2062 Corr & Juv Jus 2063 Agri & Nat Res	2093 Strick, Rule 1507 2094 Health/Hum 2095 Health/Hum 2096 Sep, Vision 2020 &
2028 Signed, E Dt 7/1/11 2029 Signed, E Dt 7/1/11	2060 Signed, E Dt 7/1/11 2061 Corr & Juv Jus 2062 Corr & Juv Jus 2063 Agri & Nat Res	2093 Strick, Rule 1507 2094 Health/Hum 2095 Health/Hum

	HISTORY OF BILLS	1/53
2097 Engy & Util	2140 Sen Ways & Means	2183 Agri & Nat Res
2098 Corr & Juv Jus	2141 Sen Utilities	2184 Signed, E Dt 7/1/11
2099 Agri & Nat Res	2142 Judiciary	2185 Judiciary
2100 Ed Budget	2143 Engy & Util	2186 Local Gov
2101 Sen Judiciary	2144 Engy & Util	2187 Local Gov
2102 Judiciary	2145 Judiciary	Sub
2103 Sep, Child & Fam &	2146 Agri & Nat Res	2188 Sen Fed & St Aff
Judiciary	2147 Signed, E Dt 7/1/11	2189 Local Gov
2104 Signed, E Dt 5/19/11	2148 Ag & Lg Trm Cr	2190 Local Gov
2105 Signed, E Dt 7/1/11	S Sub	Sub
2106 Judiciary	2149 Mat Chgd, Approps	2191 Signed, E Dt 7/1/11
2107 Sen Fed & St Aff	2150 Judiciary	2192 Signed, E Dt 7/1/11
2108 Ag & Lg Trm Cr	2151 Signed, E Dt 7/1/11	
2109 Agri & Nat Res	2152 Appropriations	2193 Killed
2110 Ag & Lg Trm Cr	2153 Elections	S Sub
2111 Health/Hum	2154 Fed & St Aff	2194 Signed, E Dt 7/1/11
2112 Taxation	2155 Elections	2195 Signed, E Dt 5/19/11
2113 Taxation	2156 Taxation	2196 Sen Ways & Means
2114 Pen & Ben	2157 Sen Assess & Tax	2197 Strick, Rule 1507
2115 Judiciary	S Sub	2198 Ed Budget
2116 Taxation	2158 Con/Non	2199 Corr & Juv Jus
2117 Sen Assess & Tax	2159 Health/Hum	2200 Sen Education
2118 Signed, E Dt 4/28/11	2160 Taxation	2201 Strick, Rule 1507
2119 Signed, E Dt 7/1/11		2202 Education
2120 Sen Fed & St Aff	2161 Sen Assess & Tax	2203 Ed Budget
2121 Judiciary	2162 Corr & Juv Jus	2204 Ed Budget
2122 Signed, E Dt 7/1/11		2205 Signed, E Dt 7/1/11
2123 Judiciary	2164 Engy & Util	2206 Taxation
2124 Signed, E Dt 7/1/11		2207 Judiciary
2125 Signed, E Dt 4/14/11	2166 Local Gov	2208 Insurance
2126 Elections	2167 Agri & Nat Res	2209 Local Gov
2127 Local Gov	2168 Sep, Vet Miltry Sec	
2128 Sen Ways & Means	- · · · · · · · · · · · · · · · · · · ·	2211 Comm & Econ Dev
2129 Appropriations	2169 Sen Trans	2212 Taxation
2130 Sen Ethics & Elect		2213 Corr & Juv Jus
2131 Comm & Econ Dev		2214 Gen Gov Bdgt
S Sub	2172 Signed, E Dt 7/1/11	
2132 Signed, E Dt 7/1/11		2216 Insurance
S Sub	2174 Trans	2217 Corr & Juv Jus
2133 Signed, E Dt 7/1/11		2218 Signed, E Dt 7/1/11
Sub	2176 Taxation	2219 Judiciary
2134 Signed, E Dt 5/15/11	2177 Education	Sub
Sub	Sub	2220 General Orders
2135 Signed, E Dt 7/1/11		Sub
2136 Insurance	2179 Education	2221 Sen Ways & Means
2137 Child & Fam	2080 Education	2222 Comm & Econ Dev
2138 Corr & Juv Jus	2181 Engy & Util	2223 Fed & St Aff
2139 Signed, E Dt 7/1/11	2182 Signed, E Dt 6/9/11	2224 Elections

2225 Trans	2267 Conf Com	2312 Signed, E Dt 7/1/11
2226 Taxation	2268 Gov Eff	
		2313 Judiciary
2227 Signed, E Dt 7/1/11		2314 Sen Ways & Means
2228 Insurance	2270 Education	2315 Ag & Lg Trm Cr
Sub	Sub	2316 Taxation
2229 Sen Fed & St Aff	2271 Signed, E Dt 7/1/11	
2230 Sen Trans	2272 Agri & Nat Res	Sub
2231 Sen Ways & Means		2318 Sen Judiciary
2232 Corr & Juv Jus	2274 Trans	2319 Appropriations
2233 Education	2275 Insurance	2320 Agri & Nat Res
2234 Ed Budget	2276 Insurance	2321 Killed
2235 Comm & Econ Dev	2277 Corr & Juv Jus	2322 General Orders
2236 Ed Budget	2278 Taxation	2323 Fed & St Aff
2237 Judiciary	2279 Health/Hum	2324 Fed & St Aff
2238 Taxation	2280 Health/Hum	2325 Corr & Juv Jus
2239 Judiciary	2281 Appropriations	2326 Corr & Juv Jus
	2282 Signed, E Dt 7/1/11	
2240 Signed, E Dt 7/1/11 2241 Sen Ways & Means		2328 Pen & Ben
-		
Sub	2284 Elections	2329 Sen Judiciary
2242 General Orders	2285 Trans	2330 Health/Hum
2243 Comm & Econ Dev		2331 General Orders
2244 Comm & Econ Dev		2332 Corr & Juv Jus
2245 Education	2288 Education	2333 Sen KPERS Select
2246 Judiciary	2289 Appropriations	2334 Corr & Juv Jus
2247 Trans	2290 Taxation	2335 General Orders
2248 Ed Budget	2291 Insurance	2336 Signed, E Dt 7/1/11
S Sub	2292 Insurance	2337 General Orders
2249 Sen Ways & Means	2293 Insurance	2338 Taxation
2250 Corr & Juv Jus	2294 Sen Local Gov	2339 Signed, E Dt 7/1/11
S Sub	2295 Agri & Nat Res	Sub
2251 Mat Chgd, Education		2340 Sen Fed & St Aff
2252 Judiciary		2341 Comm & Econ Dev
2253 Judiciary	2297 Judiciary	2342 Taxation
2254 Judiciary	2298 Appropriations	2343 Judiciary
2255 Health/Hum	2299 Local Gov	2344 Judiciary
2256 Comm & Econ Dev		2345 Judiciary
2257 Education	2301 Education	2346 Judiciary
		2347 General Orders
2258 Signed, E Dt 7/1/11		
2259 Corr & Juv Jus	2303 Engy & Util	2348 Taxation
2260 Judiciary	2304 Engy & Util	2349 Taxation
2261 Judiciary	2305 Judiciary	2350 Taxation
2262 Appropriations	2306 Gen Gov Bdgt	2351 Taxation
2263 Pen & Ben	2307 Insurance	2352 Taxation
2264 Taxation	2308 Elections	2353 Fed & St Aff
2265 Taxation	2309 Elections	2354 Fed & St Aff
2266 Taxation	2310 Pen & Ben	2355 Taxation
S Sub	2311 Pen & Ben	2356 Pen & Ben

S Sub	2375 Education	2393 General Orders
2357 Sen Ways & Means	2376 Fin Inst	2394 Judiciary
2358 Taxation	2377 Fed & St Aff	2395 Appropriations
2359 Trans Pub Saf Bdgt	2378 Taxation	2396 General Orders
2360 General Orders	2379 Taxation	2397 Ed Budget
2361 Taxation	2380 Fed & St Aff	2398 Ag & Nat Res Bdgt
2362 Appropriations	2381 General Orders	2399 Fed & St Aff
2363 Elections	2382 Sen Ways & Means	2400 Appropriations
2364 Elections	Sub	2401 Taxation
2365 Taxation	2383 Sen Ways & Means	2402 Appropriations
2366 Taxation	2384 Fed & St Aff	2403 Taxation
2367 Education	2385 Education	2404 Taxation
2368 General Orders	2386 Sen Fed & St Aff	2405 Soc Serv Bdgt
2369 Education	2387 Fed & St Aff	2406 Judiciary
2370 Trans Pub Saf Bdgt	2388 Fin Inst	2407 Taxation
2371 Sen Judiciary	2389 Judiciary	2408 Ag & Nat Res Bdgt
2372 Judiciary	2390 Sen Utilities	2409 Appropriations
2373 Insurance	2391 Engy & Util	2410 Appropriations
2374 Sen Ways & Means	2392 Signed, E Dt 7/1/11	2411 Pen & Ben

NUMERICAL SCHEDULE OF HOUSE CONCURRENT RESOLUTIONS – 2011

5001 Enrolled	5010 General Orders	5019 Education
5002 Enrolled	5011 Taxation	5020 Sen Fed & St Aff
5003 Enrolled	5012 Engy & Util	5021 Enrolled
5004 Local Gov	5013 Taxation	5022 Sen Utilities
5005 Engy & Util	5014 Enrolled	5023 Sen Utilities
5006 General Orders	5015 Judiciary	5024 Enrolled
5007 Sen Judiciary	5016 Sen Fed & St Aff	5025 Trans
5008 Cal & Print	5017 Sen Assess & Tax	5026 Fed & St Aff
5009 Enrolled	5018 Education	5027 Engy & Util

NUMERICAL SCHEDULE OF HOUSE RESOLUTIONS - 2011

6001 Adopted, Enr	6012 Adopted, Enr	6023 Adopted, Enr
6002 Adopted, Enr	6013 Adopted, Enr	6024 Adopted, Enr
6003 Adopted, Enr	6014 Adopted, Enr	6025 Adopted, Enr
Sub 6004 Adopted, Enr	6015 Killed	6026 Rules & Jour
6005 Adopted, Enr	6016 Adopted, Enr	6027 Adopted, Enr
6006 Adopted, Enr	6017 Adopted, Enr	6028 Adopted, Enr
6007 Adopted, Enr	6018 Adopted, Enr	6029 Adopted, Enr
6008 Adopted, Enr	6019 Adopted, Enr	6030 Adopted, Enr
6009 Adopted, Enr	6020 Engy & Util	6031 Adopted, Enr
6010 Comm & Econ Dev	6021 Adopted, Enr	6032 Adopted, Enr
6011 General Orders	6022 Adopted, Enr	6033 Adopted, Enr

HOUSE ACTION ON EXECUTIVE REORGANIZATION ORDERS 2011 SESSION

ERO 34	No action taken to disapprove by the House
ERO 35	No action taken to disapprove by the House
ERO 36	No action taken to disapprove by the House
ERO 37	No action taken to disapprove by the House
ERO 38	No action taken to disapprove by the House
ERO 39	No action taken to disapprove by the House
ERO 40	No action taken to disapprove by the House

NUMERICAL SCHEDULE OF SENATE BILLS - 2011

H Sub	40 Appropriations	90 Health/Hum
1 P Am, Mat Chgd	41 Ed Budget	Sub
5 Health/Hum	H Sub	92 Health/Hum
H Sub	45 Insurance	93 CCR Adptd
6 CCR Adptd	46 Judiciary	97 P Am, S Con
8 Ed Budget	Sub	100 Health/Hum
9 P Am, S Con	50 CCR Adptd	H Sub
10 CCR Adptd	51 Education	101 P Am, S Con
11 Conf Com	52 Judiciary	103 Passed
12 Passed	55 CCR Adptd	104 Judiciary
13 Education	58 Trans	108 Taxation
14 Conf Com	59 Taxation	H Sub for Sub
15 Passed	H Sub	111 CCR Adptd
17 Elections	60 Conf Com	112 P Am, S Con
21 CCR Adptd	61 CCR Adptd	114 Local Gov
H Sub	62 Judiciary	115 CCR Adptd
23 CCR Adptd	H Sub	116 Gov Eff
24 Passed	63 CCR Adptd	118 Appropriations
H Sub	65 Strick, Rule 1507	119 Passed
25 P. Am, Mat Chgd	67 CCR Adptd	120 Trans
28 Ed Budget	Sub	122 P Am, S Con
Sub	72 P Am, S Con	123 CCR Adptd
33 Strick, Rule 1507	74 Judiciary	124 CCR Adptd
H Sub	76 CCR Adptd	125 P Am, S Con
34 H Gen Orders	77 P Am, S Con	126 Elections
35 Fed & St Aff	79 Judiciary	H Sub for Sub
H Sub	80 P Am, S Con	127 CCR Adptd
36 P Am, S Con	Sub	128 Elections
H Sub	81 Judiciary	H Sub
37 CCR Adptd	83 Conf Com	129 Conf Com
38 Passed	85 Strick, Rule 1507	133 Health/Hum

134 Conf Com	H Sub	H Sub
135 Judiciary	176 Approps	213 CCR Adptd
136 P Am, S Con	177 Taxation	H Sub
Sub	179 Passed	214 CCR Adptd
138 Insurance	182 Trans Pub Saf Bdgt	215 Passed
139 Health/Hum	185 Passed	H Sub
142 Judiciary	186 Passed	216 H Gen Orders
143 CCR Adptd	188 Passed	223 Fed & St Aff
145 Elections	H Sub	224 P Am, S Con
150 CCR Adptd	191 H Gen Ord	H Sub
152 Passed	193 CCR Adptd	225 H Gen Orders
H Sub	H Sub	227 P Am, S Con
154 CCR Adptd	196 CCR Adptd	229 Passed
155 Education	198 Passed	Sub
Sub	201 Fed & St Aff	234 Appropriations
159 Corr & Juv Jus	210 Passed	247 Passed
160 Judiciary	211 Health/Hum	
170 P Am. S Con	212 Passed	

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 1602 Passed
 1606 Engy & Util
 1609 Passed

 1605 Passed
 1608 Soc Serv Bdgt

LEGEND

Ag & Lg Trm Cr Aging and Long Term Care
Agri & Nat Res Agriculture and Natural Resources

Ag & Nat Res Bdgt Agriculture and Natural Resources Budget

Approps Appropriations

Assess & Tax Assessment and Taxation
Cal & Print Calendar and Printing
Child & Fam Children and Families

Comm & Econ Dev Commerce and Economic Development Corr & Juy Jus Corrections and Juvenile Justice

Ed Budget Education Budget
Engy & Util Energy and Utilities
Ethics & Elect Ethics and Elections
Fed & St Aff Federal and State Affairs

Fin Inst Financial Institutions
Fin Inst & Ins Financial Institutions and Insurance
Gen Gov Bdgt General Government Budget

Gov Eff Government Efficiency
Health/Hum Health and Human Services

Local Gov Local Government
Pen & Ben Pensions and Benefits
Pub H & Wel Public Health and Welfare

Rules & Jour Rules and Journal
Soc Serv Bdgt Social Services Budget

Trans Transportation

Trans Pub Saf Bdgt Transportation and Public Safety Budget Vet Miltry Sec Veterans, Military and Homeland Security

Ways & Means Ways and Means

Adptd Adopted

CCR Conference Committee Report

Cal Calendar Con Concur

Comm Rp Committee Report

Comm Committee

Con/Non Motions to Concur or Nonconcur

Conf Com Conference Committee

E Dt Effective Date
Enr Enrolled
Fin Act Final Action
Gen Orders General Orders

H House

Mat Chgd Ruled Materially Changed by originating chamber

P Am Passed as amended Sep Referred seperately

Sub Substitute S or Sen Senate

SUMMARY OF ACTIONS ON HOUSE BILLS, RESOLUTIONS & CONCURRENT RESOLUTIONS

HOUSE BILLS

House bills introduced in the 2011 session	11
House bills pass both houses and presented Governor63	
House bills signed by Governor63	
House bills becoming law without Governor's signature 0	
House bills with line item vetoes (S Sub HB 2014)1	
House bills vetoed by Governor	
House bills killed in House6	
House bills killed in Senate	
TOTAL70	
10112	
House bills in House Committees	
House bills in Senate Committees47	
House bills in conference committees	
House bills on House Calendar16	
House bills on Senate Calendar <u>0</u>	
House bills carried over to 2012 session341	
TOTAL4	11
HOUSE CONCURRENT RESOLUTIONS	
House concurrent resolutions introduced in 2011 session	7
House concurrent resolutions adopted by both houses	
House concurrent resolutions killed in House0	
House concurrent resolutions killed in Senate0	
House concurrent resolutions in House Committees	
House concurrent resolutions in House Committees	
House concurrent resolutions on Flouse Calendar	
House concurrent resolutions in Senate Committees	
	7
TOTAL	/
HOUSE RESOLUTIONS	
House resolutions introduced in 2011 session	3
House resolutions adopted	
House resolutions killed	
House resolutions dying in committee	
House resolutions dying on Calendar 1	
TOTAL	3

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APPOINTMENTS

Of Susan Kannarr as Chief Clerk, pp. 12-13.

Of Wayne Owen as Sergeant of Arms, p. 13.

Of Rev. Eunice Brubaker, chaplain, p. 64.

Committee assignments, pp. 17-20.

Committee assignment change, p. 81.

RULES

HR 6003, relating to the rules of the House of Representatives for the 2011-2012 biennium, pp.

HCR 5003, joint rules for the Senate and House of Representatives for the 2011-2012 biennium, pp. 55-62

HR 6004 adopting permanent rules of the House of Representatives for 2011-2012 biennium, p. 181.

SPECIAL GUESTS

Dr. Jen Brull, President of the Kansas Academy of Family Physicians, the group that sponsors the Doctor of the Day program, p. 62.

Manhattan High 6A State Volleyball Team Champions, pp. 107-108.

Russian policy makers from the Ivanovo region of Russia, p. 251.

Kansas Phi Theta Kappa All-State Academic Team, p. 272.

Jordy Nelson and family, pp. 272-273.

Donovan Duggins, winner 5th Annual Red Robin Kids' Cook-off Championship, pp. 273-274.

The Colwich Bank family of owners, including Rep. Suellentrop, pp. 295-296.

Baldwin City High School Real World Design Challenge Team Kansas champions, pp. 296-297. Medal of Honor winners, Colonel Roger Hugh C. Donlon and Colonel Donald E. Ballard, pp. 297-299.

The St. James Academy volleyball team, p. 327.

Jack Overman of Pittsburg, p. 414.

Wendy Schrag, Kansas Kidney Coalition chair, p. 419.

Susana Kingsley of Louisburg, 2011 Mrs. Kansas, p. 419.

Debate teams from Caney Valley High School, Coffevville's Field Kindley Memorial High School, and Independence High School, p. 426.

3A State Volleyball Champions, the Osage City Lady Indians, p. 462.

Small business owners recognized by Kansas Small Business Development Center as outstanding for 2010, p. 502.

Mrs. Karen Morrison, wife of Dr. Jim Morrison, in whose memory HR 6013 was adopted. Dr. Morrison's family was also in attendance, p. 536.

Donnie Lockhart, Jr., Donnie Lockhart III, and Coach Chad Parks, recognizing Donnie's 5A State Championship in wrestling, p. 673.

The family of Richard "Dick" Wellman; daughter Emily Wellman, grandson Jesse with wife Karen, great-grandchildren Lee and Amy Wellman, p. 674.

The Madison High School 1A State Championship Football team and their coaches, p. 718. Blake Phelps, hero of a dangerous school bus incident, p. 718.

Nathan Butler, Kansas High School 6A Freestyle and Greco-Roman State Champion from Leavenworth High School and Bo Pursel, Lansing High School, Kansas High School 5A State Wrestling Champion, pp. 822-823.

Nathan McAlister, Mayetta Middle School teacher, recognized as National History Teacher of the Year for 2010 by the Gilder-Lehrman Institute of American History in New York, p. 882.

Members of the Olpe girls basketball team, who have won 23 league championships, p. 883.

In recognition of **HR 6030**, the family of Terry McLachlan, former Wichita representative, who died March 18, 2011, p. 1023-1025.

In recognition of **HR 6029**, Kansas State University women's basketball coach Deb Patterson, p. 1025.

In recognition of **HR 6031**, members of the Wichita State University Men's basketball team, winners of the 2011 NIT, p. 1112.

In recognition of **HR 6032**, Victor Ortiz, World Boxing Council welterweight champion of the world, p. 1114.

COMMUNICATIONS FROM STATE OFFICERS

From William M. Watson and Curtis L. Whitten, Co-Chairmen, Governor's Task Force on Racial Profiling, their final report and recommendations for the 2011 legislative session, p. 20. From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, the 2010 Comprehensive Annual Financial Report, p. 20.

From Elizabeth B.A.Miller, Director of Investments, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2010, p. 20.

From Keven Pellant, Acting Secretary, Kansas Department of Corrections, the Kansas Community Corrections Statewide Risk reduction Initiative, p. 20.

From Steve Six, Attorney General, Kansas Consumer Protection Division, Fiscal Year 2009, Annual Report, p. 21.

From Steve Six, Attorney General, Kansas Consumer Protection Division, Fiscal Year 2010, Annual Report, p. 21.

From Steve Irsik, Chair, Kansas Water Authority, 2011 Annual Report to the Governor and Legislature, p. 21.

From Doug Louis, Director, Conservation Division, Kansas Corporation Commission,

Abandoned Oil & Gas Well / Remediation Site Status Reports, January 10, 2011, p. 65.

From Jim Garner, Secretary, Kansas Department of Labor, Unemployment Insurance Modernization Project, Progress Report, December 15, 2010, p. 76.

From Tod M. Bunting, Major General, Kansas National Guard, The Adjutant General, Annual Report 2010, p. 76.

From Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy, pursuant to K.S.A. 65-4102(b), Report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion, January 10, 2011, p. 76.

From Mark Parkinson, Governor, pursuant to K.S.A. 22-3703, reporting pardons granted for 2010 of Orvel Baldridge, John Manning and Frederick Johnson, p. 76.

From Lucy Mills, Coordinator, Abuse, Neglect & Exploitation Unit, Office of Kansas Attorney General Steve Six, pursuant to K.S.A. 75-723, Annual Report to the legislature, July 1, 2009 to June 30, 2010. The report will be available at www.ksag.org, p. 76.

From Robert E. Blecha, Director, Kansas Bureau of Investigation, pursuant to K.S.A. 60-4117, report concerning the status of the KBI State Forfeiture Fund, p. 82.

From Dennis McKinney, Kansas State Treasurer, 2010 Annual Report to the Kansas Legislature, p. 82.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2009 Supp. 66-1250 through 66-1254, Broadband availability report to the 2011 Kansas Legislature, p. 86.

From Kent E. Olson, Director, Division of Accounts and Reports, Comprehensive Annual Financial Report, July 1, 2009 to June 30, 2010, p. 86.

From Ed Eilert, Chairman, Johnson County Education Research Triangle, reports on the Authority's Financial Statements, the Authority's Agreed-Upon Procedures Report; and the Authority's required communication/management letter, p. 98.

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas Health Policy Authority, in compliance with K.S.A. 75-6509, the Kansas State Employees Health Care

Commission 2010 Annual Report available on compact disc, p. 98.

From Ernest E. Garcia, Superintendent, Kansas Highway Patrol, pursuant to K.S.A. 60-4117, report regarding state forfeiture funds, p.111.

From Gary Alexander, Vice President of Academic Affairs, Kansas Board of Regents, pursuant to K.S.A. 76-717, Report on the Implementation of Qualified Admissions, p. 111.

From REAP (Regional Economic Area Partnership) of South Central Kansas, in accordance with **H. Sub. for SB 475** (2006), report on the expenditures of the state annual grant and local matching moneys under the program, p. 111.

From Lynn Robinson, Management Systems Analyst II, Policy and Research, Kansas Department of Revenue, pursuant to K.S.A. 12-4001-4008, 2010 Kansas Advisory Council on Intergovernmental Relations (KACIR), Annual Report, p. 115.

From Nick Jordan, Secretary of Revenue, Kansas Department of Revenue, as required by

K.S.A. 79-32,252(b)(3), Annual Report, Declared Disaster Capital Investment Tax Credit, p.155.

From Thomas E. Wright, Chairman, and Ward Loyd, Commissioner, Kansas Corporation Commission, as required by K.S.A. 2009 Supp. 66-2005 as amended by **SB 350** and **HB 2637** which were enacted by the 2006 and 2008 Legislatures, respectively, 2011 Report to the Kansas Legislature on Price Deregulation, February 1, 2011, p. 155.

From Nick Jordan, Secretary, Kansas Department of Revenue, as required by K.S.A. 79-32-261(f), Annual Report on Higher Education Deferred Maintenance Tax Credit, January 31, 2011, p. 160.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Report to the Kansas Legislature on Changes in Rates and Schedules. The report can be viewed at http://kcc.ks.gov/11 legis rpt.pdf., p.160.

From Robert E. Blecha, KBI Director, Kansas Bureau of Investigation 2010 Annual Report, p. 221.

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Kansas Department of Health and Environment, in accordance with K.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditures/Income Report for the January 2011 reporting period, p. 309.

From Kansas Parole Board, Annual Report, Fiscal Year 2010, p. 309.

From Sandy Praeger, Commissioner of Insurance, pursuant to K.S.A. 40-108, 2010 Annual Report of the Kansas Insurance Department, p. 309.

From Mike Michael, Deputy Director, State Employee Health Plan, Kansas Health Policy Authority, in accordance with **S. Sub. for HB 2160**, report on pilot program beginning with Plan Year 2011 providing coverage for orally administered anti-cancer medication.

From Pat George, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report for 2010, p. 234.

From Kevin M. Carr, President & CEO, Kansas Technology Enterprise Corporation (KTEC), pursuant to K.S.A 74-8136(c), Annual Report for the Angel Tax Credit program, p. 265.

From Howard Schwartz, Judicial Administrator, Supreme Court of Kansas, pursuant to K.S.A. 8-1008, 2010 Annual Report of the Statement of Alcohol Drug Safety Action Program, p. 423.

From Ray Roberts, Secretary, Kansas Department of Corrections, in accordance with the provisions of K.S.A. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for December 1, 2009 through December 1, 2010, p. 503.

From Valdenia Winn, Chairperson, Capitol Preservation Committee, pursuant to K.S.A. 75-2269, 2010 Annual Report of the Capitol Preservation committee, p. 503.

From Mark S. Beck, Director, Division of Property Valuation, pursuant to K.S.A. 79-1490, 2010 Preliminary Real Estate Appraisal/Sales Ratio Study, p. 512.

From Kansas Commission on Disability Concerns, Annual Report 2010, p. 512.

From Nick Jordan, Secretary, Kansas Department of Revenue, pursuant to K.S.A. 74-50,118 (c), Annual Report of the Kansas Enterprise Zone Act, p. 884.

From Andrew Allison, Ph.D., Acting Executive Director, and William Reed, M.D., KHPA Board Chairman, pursuant to K.S.A. 75-7405, 2011 Annual Legislative Report of the Kansas Health

Policy Authority, p.925.

From William V. Minner, Executive Director, Kansas Human Rights Commission, pursuant to K.S.A. 44-1004 (13), Annual Report, Fiscal Year 2010, July 1, 2009-June 30, 2010, p. 942. From Kansas Human Rights Commission, Annual Report, Fiscal Year 2010, p. 1023.

SPECIAL REMARKS

State of the State address, January 12, 2011, pp. 67-73

MESSAGES FROM THE GOVERNOR

Executive Directive No. 10-418, concerning Authorizing Expenditure of Federal Funds, p. 76. Executive Order No. 11-01, concerning Creating the Office of the Repealer within the Kansas Department of Administration, p. 101.

Executive Reorganization Order No. 34, concerning the consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 *et seq.* Establishing within the Department of Corrections the Prisoner Review Board, pp. 101-103.

Referred to Committee on Corrections and Juvenile Justice, p. 109.

Executive Reorganization Order No. 35, concerning the transfer of the Kansas Commission on Disability Concerns from the Department of Commerce to the Office of the Governor, pp. 109-111. Referred to Committee on Judiciary, p. 114.

Corrected Version Executive Reorganization Order No. 35, pp. 148-150

Executive Reorganization Order No. 36, concerning renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; Abolishing the Assistant Secretary of Operations position and creating an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism; and transferring the Division of Travel and Tourism development at the Department of Commerce to the Department of Wildlife, Parks and Tourism, pp. 120-125.

Referred to Committee on Agriculture and Natural Resources, p. 127.

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Executive Reorganization Order No. 37, concerning the abolition of Kansas, Inc., pp. 171-173. Referred to Committee on Commerce and Economic Development, p. 192.

Executive Reorganization Order No. 38, concerning the reorganization of the Kansas Health Policy Authority into the Division of Health Care Finance within the Department of Health and Environment, pp. 174-177.

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Executive Reorganization Order No. 39, concerning the abolition of the Kansas Arts Commission and the office of Executive Director of the Commission, pp. 192-194. Referred to Committee on General Government Budget, p. 213.

Executive Reorganization Order No. 40, concerning consolidation of agriculture-related functions spread throughout state government within the Department of Agriculture, pp. 195-202. Referred to Committee on Agriculture and Natural Resources, p. 213.

Executive Order No.11-02, concerning the citizens' utility ratepayer board, pp. 220-221.

Executive Order No.11-03, concerning combining the governor's military council, pp. 415-417.

Executive Order No.11-04, concerning employment policies implemented by human resource departments, p. 431.

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- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6018 A resolution designating March 30th a "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6020 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
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- H 2126 Elections; municipalities; primary and general election date change
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- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
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- HR 6019 Honoring former Kansas Representative Howard Sell
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6023 A resolution congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Gatewood, Sean

- H 2243 Wage payment act; additional penalties for
- employers who repeatedly fail to pay wages.

 HR 6005 Honoring former Kansas Representative Don
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
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- HR 6031 A resolution congratulating the Wichita State

University Shockers for winning the 2011 National Invitation Tournament.

HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Goico, Mario

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2156 Five-year phase out of income tax on corporations.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan
- health insurance plan.

 HCR 5026 Outlining the State of Kansas's principles regarding immigration reform policy.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th : "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry
 McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Gonzalez, Ramon

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.

 HCR 5007 Constitutional amendment to preserve right to
- choose health care services and participate in health insurance plan.
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- HR 6019 Honoring former Kansas Representative Howard
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011

National Invitation Tournament.

HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Goodman, Jana

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2129 Enacting the health care freedom act.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- H 2262 Hiram Price Dillon House, conveyance to not-forprofit corporation for promotion of the arts.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Gordon, Lana

- H 2129 Enacting the health care freedom act.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
 - HR 6005 Honoring former Kansas Representative Don Rezac
 - HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Řepresentative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry
 McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament.
- HR 6032 A resolution congratulating and commending
 Victor Ortiz for becoming the WBC welterweight
 boxing champion.

Grange, John

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2036 Interpretation of federal statutes, regulations and national codes.
- H 2146 Designating the official gemstone of the state of Kansas.
- H 2156 Five-year phase out of income tax on corporations.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Grant, Bob

- H 2002 Amendments to the Kansas expanded lottery act.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Gregory, TerriLois

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2101 Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointments.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.

- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- H 2262 Hiram Price Dillon House, conveyance to not-forprofit corporation for promotion of the arts. HCR 5007 Constitutional amendment to preserve right to
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
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- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Grosserode, Amanda

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2031 Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2129 Enacting the health care freedom act.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
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- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Havzlett, Garv

- H 2129 Enacting the health care freedom act.
- H 2156 Five-year phase out of income tax on corporations.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.

- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Hedke, Dennis

- H 2126 Elections; municipalities; primary and general election date change
- H 2156 Five-year phase out of income tax on corporations.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Henderson, Broderick

- H 2243 Wage payment act; additional penalties for employers who repeatedly fail to pay wages.
- H 2262 Hiram Price Dillon House, conveyance to notfor-profit corporation for promotion of the arts.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Henry, Jerry

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- HR 6005 Honoring former Kansas Representative Don

- Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament
- HR 6032 A resolution congratulating and commending
 Victor Ortiz for becoming the WBC welterweight
 boxing champion.

Hermanson, Phil

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2156 Five-year phase out of income tax on corporations.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.

health insurance plan.

- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Hildabrand, Brett

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2031 Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in

- health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Hill, Don

- H 2048 Establishing a prescription drug disposal program.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6019 Honoring former Kansas Representative Howard Sell
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Hineman, Don

- H 2063 Designating an official state fossil.
- HR 6005 Honoring former Kansas Representative Don
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6020 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- HR 6022 Recognizing April as the Month of the Military
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Hoffman, Kyle

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2129 Enacting the health care freedom act.

- H 2156 Five-year phase out of income tax on corporations.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6010 Designating the Anthony 9/11 memorial as the official Kansas 9/11 memorial.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Holmes, Carl

- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6020 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- Plan for the benefit of rural residents of Kansas.

 HR 6022 Recognizing April as the Month of the Military
 Child
- HR 6030 A resolution In memory of Representative Terry
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Holmes, Mitch

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell

- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Howell, Jim

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2035 Amending statutes regulating late-term and partial birth abortion.

 H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain. H 2254 Covenant marriages; procedures for divorce and
- separate maintenance. H 2262 Hiram Price Dillon House, conveyance to not-
- for-profit corporation for promotion of the arts. HCR 5007 Constitutional amendment to preserve right to
- choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Huebert, Steve

- H 2007 Health exceptions to late-term and partial birth abortions.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2101 Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointments.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2156 Five-year phase out of income tax on corporations.
- H 2212 Mill levy adjustments; resolutions, publication

- requirements
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- H 2262 Hiram Price Dillon House, conveyance to not-forprofit corporation for promotion of the arts. HCR 5007 Constitutional amendment to preserve right to
- choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Johnson, Steven

- H 2129 Enacting the health care freedom act.
- H 2258 Conveyance of land in Ellsworth County from SRS to the Lutheran Evangelical Good Samaritan Society.
- H 2262 Hiram Price Dillon House, conveyance to not-forprofit corporation for promotion of the arts.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day.'
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Kelley, Kasha

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- Concerning the protection of rights granted under the constitution.
- H 2101 Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointments.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2156 Five-year phase out of income tax on corporations.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- H 2262 Hiram Price Dillon House, conveyance to not-forprofit corporation for promotion of the arts.

- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Kelly, Jim

- H 2067 Voter photographic identification requirements.
- H 2262 Hiram Price Dillon House, conveyance to notfor-profit corporation for promotion of the arts.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Kerschen, Dan

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight

boxing champion.

Kiegerl, Mike

- H 2035 Amending statutes regulating late-term and partial birth abortion
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2126 Elections; municipalities; primary and general election date change
- H 2129 Enacting the health care freedom act.
- H 2212 Mill levy adjustments; resolutions, publication requirements
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2228 Insurance; providing coverage for hearing aids.
- H 2254 Covenant marriages; procedures for divorce and separate maintenance.
- HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Řepresentative Howard Sell.

 HR 6022 Recognizing April as the Month of the Military
- Child.
 HR 6030 A resolution In memory of Representative Terry
- McLachlan

 HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011 National
 Invitation Tournament.
- HR 6032 A resolution congratulating and commending
 Victor Ortiz for becoming the WBC welterweight
 boxing champion.

Kinzer, Lance

- H 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States.
- H 2008 Making identity theft a person felony.
- H 2009 Defining the crime of home improvement fraud and providing penalties.
- H 2010 Offenses and conduct giving rise to forfeiture.
- H 2031 Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies.
- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2067 Voter photographic identification requirements.
- H 2087 Concerning the protection of rights granted under the constitution.
- H 2091 Decreasing rate of sales and compensating use tax.
- H 2101 Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointments.
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Williams, Jerry

- H 2035 Amending statutes regulating late-term and
- partial birth abortion.

 HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Winn, Valdenia

- H 2243 Wage payment act; additional penalties for employers who repeatedly fail to pay wages.
- H 2262 Hiram Price Dillon House, conveyance to notfor-profit corporation for promotion of the arts.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day.
- HR 6019 Honoring former Kansas Representative Howard

- HR 6022 Recognizing April as the Month of the Military Child
- HR 6026 Remarks of Virgil Peck.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Wolf, Bill

- H 2035 Amending statutes regulating late-term and partial birth abortion.
- H 2036 Interpretation of federal statutes, regulations and national codes.
- H 2067 Voter photographic identification requirements.
- H 2101 Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointments.
- H 2129 Enacting the health care freedom act.
- H 2218 Abortion regulation based on capacity of unborn child to feel pain.
- H 2262 Hiram Price Dillon House, conveyance to not-for-
- profit corporation for promotion of the arts.

 HCR 5007 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6019 Honoring former Kansas Representative Howard
- HR 6022 Recognizing April as the Month of the Military Child HR 6030 A resolution In memory of Representative Terry
- McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Wolf, Kay

- H 2048 Establishing a prescription drug disposal program.
- H 2067 Voter photographic identification requirements.
- H 2129 Enacting the health care freedom act.
- H 2243 Wage payment act; additional penalties for employers who repeatedly fail to pay wages.
- HR 6005 Honoring former Kansas Representative Don Rezac
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman
- HR 6019 Honoring former Kansas Representative Howard
- HR 6022 Recognizing April as the Month of the Military Child
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Wolfe Moore, Kathy

- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 A resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State University Shockers for winning the 2011 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

Worley, Ron

- H 2067 Voter photographic identification requirements.
- H 2129 Enacting the health care freedom act.
- HR 6005 Honoring former Kansas Representative Don Rezac.
- HR 6013 A resolution in memory of Jim Morrison.
- HR 6014 Honoring former Kansas representative Dick Wellman.
- HR 6018 A resolution designating March 30th as "Welcome Home Vietnam Veterans Day."
- HR 6019 Honoring former Kansas Representative Howard Sell.
- HR 6022 Recognizing April as the Month of the Military Child.
- HR 6030 Å resolution In memory of Representative Terry McLachlan
- HR 6031 A resolution congratulating the Wichita State
 University Shockers for winning the 2011
 National Invitation Tournament.
- HR 6032 A resolution congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.

House Committees

Aging and Long Term Care

- H 2046 Creation of the health care for seniors fund.
- H 2047 Enacting the geriatric mental health act.
- H 2108 Transfer of duties and functions of the department of social and rehabilitation services concerning adult protective services to the office of the attorney general.
- H 2110 Establishment of the long-term care ombudsman advisory committee on advocacy options within the home.
- H 2145 Concerning orders for relief of abuse.
- H 2147 Relating to the definition of a home plus residence or facility.
- H 2148 Increasing the certification requirements for continuing care retirement facilities.
- H 2182 Concerning mail service pharmacies.
- H 2296 Establishing the joint committee on oversight of the closure of the Kansas neurological institute.
- H 2315 Relating to the licensure of home health agencies, home nursing agencies and home services agencies.

Agriculture and Natural Resources

H 2099 Creation of the Kansas goat council.

- H 2109 Creating the Kansas dam rehabilitation program.
- H 2167 Limiting liability of property owners noncommercial aviation activities.
- H 2183 An act concerning environmental protection; relating to the interstate environmental freedom compact.
- H 2184 Including noncommercial aviation use as a recreational purpose for the purposes of premises liability.
- H 2205 Continuing the use of weights and measures standards.
- H 2231 Updating the provisions regarding water bank flex accounts.
- H 2271 Amending provisions relating to plant pest inspection and regulation.
- Sub for H 2271 Amending the inspection and regulation of live plant dealers and plant pests by the department of agriculture.
 - H 2272 Exempting certain minor construction projects from state and federal water regulations.
 - H 2295 Amending state hunting laws and regulations relating to hunting seasons, permits and the use of bows.
 - H 2320 Oil unit ownership and operation.
 - HR 6009 Changing the language of conservation easement assignments from "perpetuity" to "life of the project."
- Sub for HR 6009 Urging the U.S. Army Corps of Engineers to accept "Life of the Project" conservation
- H Sub for S 214 Amendments related to groundwater management districts and stream obstruction permitting.

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- H 2149 Amending the procedures for the Department of Wildlife and Parks to purchase land.
- H 2282 Lodging inspections and food safety fees.
- H Sub for S 191 Appropriations; department of agriculture; laboratory testing.

Appropriations

- H 2014 Supplemental appropriations for FY 2011 for various state agencies.
- H 2025 Concerning the regulation of motor carriers; exemptions of certain carriers.
- H 2053 school districts; uniform financial accounting and reporting act
- H 2121 Designating the coroner of a permit to cremate.
- H 2166 Cities; Use of internet as official publication of required notices.
- H 2193 School districts; amendment to definition of at-risk pupil.
- H 2194 Creating the council on efficient government; requirements concerning state contractors.
- H 2198 School districts; capital improvements fund; limitation on state aid entitlement.
- H 2237 Fire marshal; investigating authority.
- H 2339 Criminal code trailer bill.
- H 2341 Requiring certain beverage containers to be redeemable.
- H 2356 Increasing earnings limitation for employment after retirement by a KPERS retirant with certain KPERS participating employers.
- H 2357 Arkansas River Gaging Fund
- H 2358 Decreasing sales tax rate and earned income tax credit and food sales tax refund amounts.
- H 2359 Adding the department of corrections to statutes regarding payment of health care expenses for people in custody.
- H 2360 School districts; uniform chart of accounts.
- H 2362 Appropriations for waivers for fiscal year 2012, 2013 and 2014.
- H 2363 Gubernatorial inaugeration donations; disposition of residual monies

- H 2364 Relating to voter identification.
- H 2368 Concerning appropriations; deleting the 20% credit to the state general fund.
- H 2369 Implementation of state fire marshal orders by a board of education.
- H 2370 Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the division of emergency management.
- H 2374 Appropriations for FY 2011 and FY 2012 for department of education.
- H 2374 Appropriations for FY 2011, FY 2012 and FY 2013 for various strate agencies.
- H 2375 Creating acts providing for school accountability and parental choice.
- H 2376 Amending provisions of the Kansas uniform securities act relating to adoption of federal statutes and rules by reference; registration requirements; fees; securities act fee fund and investor education fund.
- H 2380 Veterans benefit lottery game, disposition of net profits, national guard benefit lottery game fund and veterans benefit lottery game fund established.
- H 2382 Appropriations for FY2011, FY2012 & FY2013 for capital improvements for various state agencies.
- H 2383 Appropriations for FY 2011 through FY 2016 for various state agencies.
- H 2388 Authorizing the Kansas development finance authority to issue mortgage revenue bonds.
- H 2390 KAN-ED act; repeal.
- H 2393 State employees; abolishing longevity bonus
- H 2394 Courts; court of appeals.
- H 2395 School districts; the expenditure of moneys in school district funds for general education purposes.
- H 2396 Abolishing the commission on judicial performance
- H 2397 Adequacy of state provision for finance of educational interests of the state.
- H 2398 Amending the definition of feral swine and increasing the penalty for importing, transporting, possessing or releasing feral swine.
- H 2399 Relating to the amount of money the state public trust may pay for real property within the Treece community in Cherokee county.
- H 2400 School districts; amendment to definition of atrisk pupil.
- H 2402 For fiscal years 2012, 2013, 2014 and 2015, five centers of excellence and three centers of innovation receive \$2,000,000 from the increase in the tax base from bioscience development and investment.
- H 2405 Converting classified attorneys in KDHE and SRS into unclassified attorneys.
- H 2408 Transferring the agrotourism program from the department of commerce to the department of agriculture.
- H 2409 Bonds relating to national bio and agro defense facility
- H 2410 Racing and Gaming Commission; meeting and compensation of members.
- HCR 5019 Requesting a study and recommendations by the state board of education on an administrative reorganization of school districts.
- H Sub for Sub S 111 Expenditures of unencumbered balances in school funds for general operating expenses; postponing effective date of special education state aid provisions
 - H Sub for S 154 Bonds relating to national bio and agro defense facilit; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of

administration;

Children and Families

- H 2103 Child in need of care; termination of parents rights. H 2105 Children in need of care; relating to removal of
- child from parent's custody.
- H 2111 Family day care homes; amending statutes to make the 2009 statutes the current law regarding family day care homes.
- H 2137 Enacting the protective parent reform act.
- H 2142 Children in need of care; court's authority.
- H 2216 Insurance; coverage for autism spectrum disorder.
- H 2222 Labor organizations; persons prohibited from unionizing.
- H 2281 Appropriations for autism waiver for fiscal year 2012.
- H 2289 Appropriations for waivers for fiscal year 2012.

Commerce and Economic Development

- H 2054 Abolishing KTEC: transferring duties t department of commerce and board of regents.
- H 2088 Municipalities; sprinkler systems, residential housing; changes.
- H 2125 Professional regulated sports act; civil penalties, violations, fees and rules and regulations.
- H 2130 Labor organizations; political activity.
- H 2131 Misclassification of employees.
- H 2134 Amending the workers compensation act.
- Sub for H 2134 Amending the workers compensation act.
 - H 2135 Eliminating penalty for misclassification of employees as independent contractors to avoid tax withholding, contribution and reporting requirements
- Sub for H 2135 Misclassification of employees to avoid tax withholding, contributions and reporting requirements.
 - H 2150 Consumer protection; relating to automatic renewals.
 - H 2223 The Kansas immigration accountability act.
 - H 2229 Schools; equal access by employee associations and organizations.
 - H 2235 Vehicle title loans; regulations.
 - H 2244 Continuing education for plumbing, electrical and mechanical licensees.
 - H 2256 Contracts with small minority businesses.
 - H 2330 Enacting the cannabis compassion and care act.

Corrections and Juvenile Justice

- H 2022 Allowing venue to be transferred back to the jurisdiction where the crime occurred when a defendant is to be conditionally released.
- H 2023 Amending the drug schedule by adding additional unlawful substances.
- H 2038 Amending the procedure regarding jury trials for upward departure sentences.
- H 2044 Amending the requirements for action and notification upon motor vehicle accident.
- H 2045 Amending the definitions and penalties for eavesdropping and blackmail
- H 2049 Amending the controlled substances schedule regarding tetrahydrocannabinols and related substances.
- H 2055 Eliminating certain information sharing requirements for district and county attorneys.
- H 2057 Adding Johnson County sheriff's laboratory and Sedgwick County regional forensic science center as admissible forensic examination centers.
- H 2098 Making methamphetamine precursors schedule III prescription drugs.
- H 2104 Medical confidentiality exception for law enforcement at crime scenes.
- H 2118 Amending the requirements of offender appearance bonds and supervision costs.

- H 2138 Expanding crime of burglary to include entering to commit certain domestic crimes.
- H 2151 Concerning crimes; criminal procedure and punishment; relating to breach of privacy and blackmail
- H 2152 Amending the provisions of the crime of operating a vessel under the influence.
- Sub for H 2188 Requiring fiscal notes for certain resolutions.
 - H 2196 Amending the rules of evidence regarding expert testimony in sexually violent predator commitment cases.
 - H 2197 Amending the circumstances under which public defenders may accept new clients.
 - H 2213 Providing possible exemptions from lifetime postrelease supervision for persons convicted of sexually violent crimes.
 - H 2227 Allowing for the issuance of arrest warrants based on DNA profiles.
 - H 2232 Amending the culpability for the unlawful possession of prescription drugs.
 - H 2249 Adding chemical compounds known as "bath salts" to the controlled substances schedule.
 - H 2250 Amending the drug code to include penalties based on amount.
 - H 2318 Amendments to the recodified criminal controlled substances provisions.
- Sub for H 2318 Amendments to the recodified criminal controlled substances provisions and the drug sentencing grid.
 - H 2319 Authorizing house arrest for certain misdemeanors and nongrid felonies and updating definitions.
 - H 2321 Amendments to the recodified criminal code.
 - H 2322 Amendments to the Kansas offender registration act.
 - H 2323 Abolishing the death penalty; creating the crime of aggravated murder.
 - H 2324 Making it unlawful to furnish electronic cigarettes to people under 18 years of age.
 - H 2325 Eliminating postrelease supervision periods equal to good time credit earned.
 - H 2326 Authorizing the use of a standardized offender assessment test to determine the placement of offenders
 - H 2327 Allowing veterans with PTSD to seek mental health treatment upon certain convictions.
 - H 2329 Allowing the Kansas bureau of investigation to access expunged records under certain circumstances.
 - H 2329 Allowing the Kansas bureau of investigation to access expunged records under certain circumstances. and creating a petition for relief of disabilites procedure for the purposes of firearm ownership by the mentally ill.
 - H 2334 Creating new procedures to determine a defendant's competency to stand trial.
- H Sub for S 6 Driving under the influence.
- H Sub for S 37 Amendments to the Kansas offender registration act.
- H Sub for S55 Crimes, criminal procedure and punishment; relating to electronic communications; relating to harassment by telecommunications device; relating to warrants for interception and information.
- H Sub for S60 Relating to house arrest as a sanction for certain crimes, expungement of certain criminal records, authorizing grand jury petitions, eliminating automatic supreme court appeals for certain crimes and amending community corrections success and funding provisions.
- H Sub for S63 Amending the crime of sexual exploitation of a
- H Sub for S176 Concerning criminal procedure; relating to conditions of release and bond; relating to house arrest; relating to employment of county and

municipal prisoners.

Education

- Sub for H 2004 School districts; defining non-resident pupil.
 - H 2078 State schools for the deaf and blind; authorization to contract for training programs year round.
 - H 2079 Authorizing transportation of students residing on Fort Leavenworth military reservation.
 - H 2090 Providing bus transportation for school children subjected to hazardous walking conditions.
 - H 2100 School districts; finance; supplemental general state aid; consolidated districts.
 - H 2191 Concerning school districts; relating to teachers.
- Sub for H 2191 Concerning school districts; relating to teachers.
- Sub for H 2193 Providing authority for a school district to adopt a local activities budget.
 - H 2200 Concerning school districts; relating to state aid for capital improvements and capital outlay.
 - H 2201 Providing authority for a school district to adopt a local activities budget.
 - H 2202 Nontraditional teacher licensure program.
 - H 2203 Allowing expenditures for general operating expenses from certain school district funds.
 - H 2234 Creating the early high school graduation scholarship program.
 - H 2245 Retaining students from grade-level promotion if not proficient on the reading state assessment for grade 3.
 - H 2251 Terminating state aid for out-of-state pupils.
 - H 2269 School districts; finance; amendments to funding formula.
 - H 2270 Funding costs of nonproficient pupils not covered by general state aid from local funds.
 - H 2286 School districts; finance; supplemental general state aid for certain districts.
 - H 2290 Distribution of mineral severance tax revenue to school districts.
 - H 2301 Closure of the school for the deaf and the school for the blind.
 - H 2302 Charter schools; appeal of charter school denials to the state board of education; finance.
 - HCR 5010 Constitutional amendment concerning school finance; suitable finance of public school funds in the amount and manner determined by the legislature.
 - HCR 5018 Constitutional amendment to abolish state board of education and create secretary of education.

Education Budget

- H 2204 Creating the college credit scholarship program.
- H 2248 Requiring school districts to finance cost of remedial college courses.

Elections

- H 2080 Changing the candidate filing deadline for extension districts.
- H 2128 Restricting candidate appearances in public service announcements or advertisements prior to an election.
- H 2153 Campaign finance; reporting requirements for electioneering communications.
- H 2154 prohibition outside employment of certain state officials
- H 2155 Elections; restrictions on the use of publice service annoucements
- H 2224 Requiring candidates for state and federal offices to provide proof of citizenship.
- H 2308 Filing of reports by campaign treasurer.
- H 2309 Allowing the transfer of campaign funds to a bona fide successor committee or candidacy.
- HCR 5008 State constitutional amendment relating to the reapportionment of senatorial and representative districts.
- H Sub for Sub S127 Primary elections; filing of campaign reports;

campaign contributions.

H Sub for S129 Elections; voter photographic identification requirements; election date changes; voter registration records.

Energy and Utilities

- H 2050 Concerning utilities; establishing the broadband deployment assistance program.
- H 2097 Agricultural ethyl alcohol incentive; extension.
- H 2122 Agricultural ethyl alcohol producer incentive fund; extension.
- H 2141 Concerning property; requiring wind and solar agreements to run with surface estate.
- H 2143 Electric generation, transmission and distribution; relating to recovery of costs for energy storage devices.
- H 2144 Natural gas public utilities; rates and charges.
- H 2164 Concerning property; relating to ownership of pore space.
- H 2181 Utilities; transmission lines and easements.
- H 2267 Utilities; electric supply and demand reports.
- H 2303 Utilities; rate-making and variable time-of-day pricing.
- HCR 5005 Establishing targets for energy development, consumption and costs.
- HCR 5012 Establishing policy goals for energy development, consumption and costs.
- HCR 5023 Urging Congress to permit the Kansas Corporation Commission to regulate hydraulic fracturing.
- HR 6008 Opposing the Environmental Protection Agency's regulatory train wreck.
- HR 6024 A resolution Urging adoption of federal regulations permitting Kansas to regulate the underground storage of natural gas.
- HR 6027 A resolution urging modifications to the National Broadband Plan.

Federal and State Affairs

- H 2013 sale and purchase of rifles and shotguns.
- H 2026 Kansas immigration accountability act.
- H 2089 An Act concerning hunting; relating to hunting dogs; permitting owners to retrieve their dogs from posted land.
- H 2106 Concerning trespass and liability; exceptions.
- H 2107 Community defense act; sexually oriented businesses regulations.
- H 2127 Municipalities; demand coordination by federal government and state government; regulations, nolicies
- Sub for H 2178 Granting professional licenses to nonresident military spouses.
- Sub for H 2229 Teachers; professional employees association; equal access act.
- Sub for H 2242 Vital Statistics; concerning death and unborn child death certificates.
 - H 2300 Legislature; job protection for persons elected or appointed to the state legislature.
 - H 2335 Kanas act against discrimination; disability amendments.
 - H 2336 Kansas employment first initiative act; persons
 - with disabilities.

 H 2337 Licensing of abortion clinics by department of health and environment.
 - H 2340 Smoking ban; allow smoking in bars that sell lottery tickets.
 - H 2343 Relating to custody for adoption.
 - H 2344 Relating to permanency planning.
 - H 2345 Notification of parties of a temporary hearing.
 - H 2346 Creating the classification of "aggravated sex offender;" creating additional penalties and restrictions for sex offenders.
 - H 2353 Personal and family protection act; amendments.
 - H 2354 State owned and operated casinos; north central

- Kansas gaming zone, Geary County.
- H 2371 Amending the provisions of community corrections grants and continuing such programs in certain counties.
- H 2372 Requiring verification of employment eligibility and making other amendments concerning immigration.
- H 2373 Combining life insurance with certain other riders such as for specific illness or disease coverage.
- H 2377 Creating the no taxpayer funding for abortion act; amending laws relating to late-term abortion.
- H 2384 Kansas preservation of religious freedom act.
- H 2385 Creating the relevant efficient academic learning education act.
- H 2386 Veterinary school students; spaying or neutering dogs and cats; animal shelters.
- H 2387 Alcoholic beverages; amendments regarding retailer's licenses; fees, term and eligibility.
- H 2389 Child abuse investigations; procedures.
- HCR 5004 Constitutional amendment; city home rules,
- HCR 5013 Constitutional amendment to provide revenue, expenditure and taxation limitations on state government.
- HR 6011 Supporting attorney general's legal challenge of the Patient Protection and Affordable Care Act.
- HR 6015 Resolution; requiring Attorney General to bring suit to test constitutionality of a provision of Kansas Expanded Lottery Act.
- H Sub for S25 Community defense act; sexually oriented businesses regulations.
- H Sub for S35 Abortion regulation based on capacity of unborn child to feel pain.
- H Sub for S36 Licensing of abortion clinics by department of health and environment.
- H Sub for S45 Abortion; late-term, partial birth, fetal pain; abortion facility licensure; other.

Financial Institutions

- H 2056 Financial institutions; trust examinations and annual assessments.
- H 2226 Tax increment financing; allowing the financing of infrastructure if contiguous to TIF district; allowing cities to commit a portion of their sales tax for TIF

Government Efficiency

- H 2120 Kansas government effectiveness and efficiency commission act.
- H 2157 Concerning the disclosure of tax information to the state treasurer for the purpose of locating unclaimed property owners.
- H 2158 State agencies: performance measures.
- H 2221 Relating to the employee award program. Sub for H 2221 Relating to the employee award program.
 - H 2268 Collection of fees, charges, taxes and exactions by state agencies.
 - H 2306 Relating to the requirements for purchase of motor vehicles by state agencies.
 - HCR 5011 Constitutional amendment; creating a contingency reserve fund and debt prepayment fund in the state treasury; annual transfers and withdrawals only under certain circumstances.

Health and Human Services

- H 2039 Smoking regulations; casino exemption deleted.
- H 2040 Local health department funding reductions.
- H 2081 Special hospitals required to provide emergency services.
- H 2082 Inspections of medical gas piping systems in hospitals.
- H 2083 Relating to prefinanced funeral agreements.
- H 2094 Vaccinations; exemption from getting based on reasons of conscience or personal belief

- H 2095 School sports head injury prevention.
- H 2136 Prohibiting health insurance plans from creating specialty tiers within their prescription benefits and prohibiting a medication discriminatory practice relating to prescription medications.
- H 2159 Physical therapists evaluation and treatment of patients.
- H 2214 Prohibiting public funding of human cloning and destructive stem cell research.
- H 2241 Concerning the Kansas dental practice act and the franchising of dental practices.
- H 2242 Vital statistics; Concerning death and stillbirth certificates
- H 2279 Coronal scaling by dental assistants
- H 2280 Kansas dental board; licensure of dental practitioners.
- Sub for H 2340 Removal of the casino exemption from the smoking ban; addition of annual smoking event exemption.
- H Sub for S216 Smoking regulations, casino exemption and annual smoking events.

Insurance

- H 2074 Rate filings; disclosure of trade secrets or copyrighted material
- H 2075 Insurance department Anti-fraud program; extension of exception to open records act disclosure
- H 2076 Increasing the amount of time in which filings made to the commissioner of municipal pools must be reviewed.
- H 2077 Increasing the amount of time worker's compensation pools have to file their end of year financial statements.
- H 2085 Requiring title companies owned by a title insurer to have an annual audit of its escrow, settlement and closing deposit accounts conducted by a certified public accountant.
- H 2139 Workers compensation insurance rates.
- H 2208 Individual market health inusrance rate review
- H 2275 Health insurance; provider payments; no variation based upon the identity of the health insurer
- H 2276 Health insurance; mandate lite health benefit plans, commissions, specially designed policies.
- Requiring automobile liability insurance policies to provide uninsured and underinsured motorist coverage for any person occupying the insured motor vehicle
- H 2292 Accident and health insurance; excluding coverage for certain abortions.
- H 2293 Prohibiting state employees from receiving benefits and reimbursements for abortion procedures under a state health savings account
- H 2307 The Kansas residential roofing act.

Judiciary

- H 2027 Rules and regulations filing act
- H 2028 Uniform trust code; insurable interest of trustee.
- H 2029 Charitable health care provider defined to include untrasound technologist.
- H 2042 Requiring law enforcement to pornographic materials found at scene of or in possession of person who commits a sexually violent crime.
- H 2068 Amending the Kansas power of attorney act regarding durable power of attorney and duties of the attorney in fact.
- H 2069 Enacting the Kansas adverse medical outcome transparency act.
- Sub for H 2069 Enacting the Kansas adverse medical outcome

- transparency act.
- H 2070 Eminent domain; appraisers' award; notification and restriction.
- H 2071 Inheritance rights; automatically revoking exspouses inheritance rights upon divorce.
- H 2072 Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.
- H 2073 Concerning the assessment of an order of support of a child.
- H 2102 Concerning open records; relating to nondisclosure of certain records.
- H 2162 Concerning expungement of arrest records; docket
- H 2163 Amendments to laws regarding racial profiling.
- H 2188 No fiscal note is required for bills concerning the utilization of correctional resources unless the Kansas sentencing commission is required to provide such information.
- H 2207 Series limited liabilities companies.
- H 2219 Providing child support for an exceptional child through the school year the child turns 23 years of
- H 2252 Restoration of spouse's former name after divorce; if divorced in another state, court shall restore name if copy of authenticated divorce decree.
- H 2253 Private rights of action; restrictions.
- H 2259 Criminal procedure and appearance bonds.
- H 2260 Kansas preservation of religious freedom act.
- H 2277 Third and subsequent DUI offenders following county jail sentence shall serve under local supervision for one year; supervised by community corrections or court services.
- H 2283 Lobbying; use of public funds.
- H 2284 Public funds for lobbying for a tax increase.
- H 2304 Rules and regulations; nullification. H 2305 Board of Indigents' Defense Qualifications
- H 2312 Regulated scrap metal; licensing scrap metal dealers; unlawful acts; criminal penalties.
- H 2313 Exhaustion of administrative remedies for patients in the custody of secretary of social and rehabilitation services.
- H 2332 Sexual exploitation of a child: increasing the penalty for certain offenses. Requested by: David Hutchings, KBI
- HCR 5015 Governor appoints supreme court justices, senate consents; nominating commission membership amended; lifetime appoint, subject to removal for cause

Local Government

- H 2041 Licensure qualifications for pawnbrokers and precious metal dealers
- H 2065 Cities annexation; deannexation; changes
- H 2066 City annexation; fire district territory; double taxation; refund of taxes.
- H 2084 Consolidation of cities and counties by dual majority vote.
- H 2119 Prohibiting accident response service fees.
- H 2185 Kansas open records act; civil penalties change.
- H 2186 Planning and zoning; blanket easements, subdivisions; void, exceptions.
- H 2187 Platting land in unincorporated areas; certain counties.
- H 2189 Certain municipalities; publications in a newspaper; changes.
- H 2190 Counties; boards of county commissioners; term limit option.
- H 2195 Municipalities; organized solid waste and recycling collection service act.
- H 2209 Legislature; prohibiting legislators from holding other paid elected positions.
- H 2239 Providing the district court with the authority to

- assess damage claims for vacating roads for counties less than 30,000.
- H 2240 Cemetery corporations; trust funds; secretary of state, attorney general enforcement powers.
- H 2294 Annexation procedures; deannexation; board of county commissioners duties; election required, when; homestead exemption; appeal process.
- H Sub for S101 Municipalities; sprinkler systems, residential housing; changes.

Pensions and Benefits

- H 2310 Working after retirement requirements for KPERS retirants.
- H 2311 Enacting the Kansas public employees retirement system defined contribution act.
- H 2328 Employer contributions for KPERS school participating employers.
- H 2333 Normal retirement date under KPERS.
- Sub for H 2333 Increased employer contributions, decreased benefit formula multiplier and certain proceeds from sale of state real estate to KPERS and enacting the KPERS defined contributions act.

Rules and Journal

Sub for HR 6004 Permanent Rules of the House

Social Services Budget

Sub for H 2296 Establishing the joint committee on oversight of the closure of the Kansas neurological institute.

Taxation

- H 2051 Business and job development carryforward credits under Kansas income tax act.
- H 2052 Income tax credit for certain tuition and related expenses paid to an educational institution located in Kansas based on federal hope and lifetime learning tax credits.
- H 2117 Removal of outdated sales tax imposition language.
- H 2160 Establishing the simplified state tax structure committee
- H 2161 Retailers may choose place of business sourcing or destination sourcing as method to determine sites of taxable transactions fro sales tax purposes.
- Sub for H 2161 Sourcing of certain retail sales for sales tax purposes, and sales tax exemption for game birds.
 - H 2165 Elimination of certain sales tax exemptions, imposition of sales tax on certain services, provision of sales tax exemption for certain purchases of food, and reduction of sales tax and certain income tax rates.
 - H 2176 Taxing subdivisions; budget submission date
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